



# THE CONSTITUTIONAL PROBLEM IN INDIA

PART I. THE INDIAN PROBLEM, 1833-1935

PART II. INDIAN POLITICS, 1936-1942

PART III. THE FUTURE OF INDIA

BY

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PART I  
THE INDIAN PROBLEM, 1833-1935  
INTRODUCTION

INDIA, it is often said, is more like a continent than a country, more like Europe than one of its component nations. For the student of politics the point of the comparison is not primarily a question of size. India, it is true, is a vast country, containing nearly 890 million people; but owing to the progress of science more size of territory or population is no longer a primary factor in the problem of government. The major point, the major difference between India and any other country in the world, lies in the diversity of Indian life. Centuries of conquest and infiltration from without have made Indian society a complex of races, languages, creeds and customs more variegated than that of Europe, and the domestic history of India has been till very recent times a record of constant conflict between rival races and rulers. Yet it is not for nothing that in the eyes of the outer world India is one country and all its people Indians. The factors making for unity are stronger in India than in Europe. Girt by the Himalayas and the sea, the Indian sub-continent is a natural geographical unit. No real strategic frontiers cross it. It does not possess that broken coastline, those peninsulas and islands, which have fostered the growth of separate nations in Europe. And there is a certain unity underlying all the diversities of Indian culture. The creeds and customs which from age to age have been woven into that ancient civilisation have acquired, so to speak, a local colour; some of them superficially, others profoundly, they have all been 'Indianised'. There is more in 'Mother India' than mere sentiment or mere geography. Is there enough in it to keep her diverse and discordant children within the frame, be it stiff or loose, of one free political society?

There lies the core of the constitutional problem which will be examined and discussed in this Report. This first part of it will describe the development of self-government and its corollary, the process of decentralisation, which led up to the existing constitution. The second part will deal in greater detail with the operation of that constitution during the last few years. In the third and last part an attempt will be made to state the main facts that must be faced and to suggest some possible ways of dealing with them if a system of government is now to be devised, both for the great Provinces and for India as a whole, in which the twin principles of freedom and unity are balanced and combined. At each stage it is the interplay of those twin principles that will demand our closest attention. It will be found that for a generation past the stress in Indian politics has been all on freedom, but that now, when the full attainment of freedom is in sight, the balance has swung over and unity has become again, as it was when British

rule begun, the major Indian problem. The situation in India, in fact, reflects the situation in the world at large. It is primarily for freedom that the United Nations are fighting because its very existence is at stake. But the freedom which our victory will save or restore to all nations will be unfruitful and precarious unless it is combined with the greatest practicable measure of international unity.<sup>1</sup>

<sup>1</sup> In a lecture delivered at Patna in 1924 the author urged the need of combining unity with freedom and illustrated his theme from the history of the British Commonwealth. (*Freedom and Unity*, Bombay, 1924, reprinted in *The Empire in These Days*, London, 1936.)

## CHAPTER I

### THE STRUCTURE OF THE BRITISH RAJ

#### I. BRITISH INDIA

THE process by which within a century after Plassey the whole sub-continent of India<sup>1</sup> except the kingdom of Nepal was brought under British control was a twofold process and its results were twofold, imposing on the structure of Indian government a dualism which has persisted ever since. About three-fifths of the country were annexed to the British Crown, mainly as the result of war and conquest—war with the Nawab of Bengal, with the rulers of Mysore, with the Marathas, with the Amirs of Sind, with the Sikhs—but partly by taking over without fighting territories in which the government was intolerably bad or in which the title of the ruling dynasty was held to have lapsed through lack of lawful heirs. In all this area no attempt was made to repeat the Company's ill-fated experiment in Bengal. No 'puppet princes' were installed to serve as the instruments of British policy. The previous Indian rulers and their civil and military officers were set aside, and the people subjected to direct British administration. Thus the greater part of India became 'British India', and its inhabitants, who now number about 295 millions, British subjects. But the whole of India was not thus conquered or otherwise annexed. Two-fifths of it, peopled now by about 98 millions, were brought into quite a different relationship with the British Crown. As the outcome of political and military exigencies, mostly in the earlier period of British expansion, agreements were concluded between the representatives of the British Government in India and a number of Indian rulers or chiefs who had established their independence after the breakdown of the Mogul Empire. Under these agreements, which will be briefly examined later in this chapter, the ruling dynasties surrendered the management of their external relations to the British Crown, but continued to control under certain conditions the domestic affairs of their States. Though by accepting the suzerainty of the Crown they were brought within the ambit of the British Empire, their territories did not become British soil, nor their subjects British subjects. Thus India was divided into two distinct parts, in which the basis and form of government were quite different.

In British India the form of government was virtually dictated by Parliament's acceptance of responsibility for its welfare. Parliament could make laws as to how India should be governed, but it could not govern it.

<sup>1</sup> Upper Burma was not annexed till 1886, but Burma, which was separated from India in 1937, will be regarded as outside the compass of this book.

As in other fields of administration, in foreign affairs, in the colonies or at home, it could only exert its will through a minister, responsible to it; and in far-off India the minister could only operate through an agent or agents on the spot, responsible to him. So from 1773 onwards, as the exercise of parliamentary responsibility became steadily more direct and effective till in 1858 the assumption of complete control was marked by the creation of a Secretary of State for India, the method of government approximated more and more closely to the method which had long been employed in other dependent territories of the British Empire and which has been called 'Crown Colony government'. Its basic principle is parliamentary control, operating through a Secretary of State, who in turn operates through a Governor.<sup>1</sup> For purposes of administration the Governor is given autocratic powers. He is aided and advised by an Executive Council, normally consisting of officials only, but he can overrule their advice provided that he informs the Secretary of State\* that he has done so. For purposes of legislation, similarly, since Parliament or the King in Council can only properly make the few major laws establishing the framework and powers of the government on the spot and not the multitude of minor laws required to meet local conditions, the Governor is given authority as law-maker: and for this he also acts with a Council, which may be the Executive Council acting in a legislative capacity, or the same Council enlarged for the purpose, or a separate Legislative Council. Non-official members of the community may be nominated by the Governor, or in some cases elected by public bodies or constituencies, to sit in the enlarged or Legislative Councils. But the officials must always be in a majority. Directly the number of non-officials, whether nominated or elected or both, exceeds the number of officials, the government ceases to be Crown Colony government. For, unless the Governor is empowered to legislate by himself—and that only happens in backward colonial areas or in colonies which are primarily military strongholds—he must be able to obtain from his Council the measures, financial and otherwise, which he deems necessary for good government, and he can only be sure of that if the majority of the Council are officials, bound in the last resort to do as he tells them. Otherwise he cannot discharge his responsibility to the Secretary of State, nor can the Secretary of State discharge through his agency his responsibility to Parliament. In British India, as in a Crown Colony, the government, till recent times, was necessarily of this kind. It was government by officials, because only so could Parliament fulfil the 'trust' it had assumed.

For the same reason it was a unitary government. Before Parliament

<sup>1</sup> The status of the Governor-General of India is higher than that of the Governor of a Colony. His appointment is a matter for the Cabinet and is made by the Crown on the Prime Minister's advice, not that of the Secretary of State alone. Similarly, the members of the Governor-General's Executive Council have a higher status than the members of a Colonial Council: they are more like Cabinet Ministers, and share with the Governor-General in a collective responsibility to Parliament which exercises its control through the Secretary of State.

intervened, the territories acquired by the East India Company had been divided into three 'Presidencies', Bengal, Madras and Bombay, each with a Governor and Council responsible to the Company in London and each entirely independent of the other two. But, when Parliament decided to take a hand in the Company's administration, it seemed simpler and more effective to operate through one local agent than three, and a policy of centralisation was begun by the Act of 1773, which provided that the Governor of Bengal should become Governor-General, with authority to 'superintend and control' in certain matters the Governments of Madras and Bombay. In the course of the next fifty years Bengal became swollen by further territorial acquisitions—Benares in 1775, Orissa in 1803, a wide area in the North-West in 1801 to 1803, and Assam and the coastal districts of Burma in 1824. In 1836, to adjust this overgrowth, a separate Lieutenant-Governorship was created for the North-Western area, which ultimately became the United Provinces of Agra and Oudh, and in 1858 a Lieutenant-Governorship was also created for Bengal so as to relieve the Governor-General of the task of local administration and enable him to confine his energies to the supervision of all British India. The continued expansion of British rule led to the formation of more territorial units, till by 1919 British India (excluding Burma) was divided into fourteen Provinces—the collective term which was finally used for them all. All these Provinces had their own separate governments, but they were not of a uniform type. In Bengal, Madras and Bombay, the government consisted of a Governor and Executive Council (Bengal having been raised to a full Governorship in 1912), in the United Provinces and Bihar and Orissa of a Lieutenant-Governor and Executive Council, and in the Punjab of a Lieutenant-Governor acting alone; while the remainder—the Central Provinces, Assam, the North-West Frontier Province, Ajmer-Merwara, Coorg, Delhi, British Baluchistan and the Andaman and Nicobar Islands—were administered by Chief Commissioners.<sup>1</sup> But this multiplication of Provinces did not affect the principle of unitary control by the Central Government and the Secretary of State. How firmly that had become established in theory and in law may be seen from the three cardinal provisions of the Act of 1915 which consolidated previous legislation on Indian government in a single measure:

(1) The Secretary of State may, subject to the provisions of this Act, superintend, direct and control all acts, operations and concerns which relate to the government or revenues of India (Section 2 (2)).

(2) The superintendence, direction and control of the civil and military government of India is vested in the Governor-General in Council, who is required to pay obedience to all such orders as he may receive from the Secretary of State (Section 33).

<sup>1</sup> All the Lieutenant-Governorships and the first three of the Chief Commissionerships became Governorships after 1919. The other five Chief Commissionerships were too small to rank as Provinces proper.

(3) Every local government shall obey the orders of the Governor-General in Council, and keep him constantly and diligently informed of its proceedings and of all matters which ought, in its opinion, to be reported to him or us to which he requires information (Section 45 (1)).

There was thus no division of authority, no trace of the federal idea, in the constitution of British India before 1919. The Provinces had no rights of their own. They were legally no more than administrative sections of British India, and their Governments no more than agents of the Central Government,<sup>1</sup> which in its turn was subordinate to the Secretary of State. But the possession of legal power is one thing, its exercise in practice is another; and the extent to which either the Secretary of State or the Central Government could 'superintend, direct and control' the Provincial Governments was necessarily limited by two primary factors. The first was distance. In early days communications between India and England and within the vast area of India itself were slow and uncertain, and both the Provincial and the Central Governments were often compelled to take action without awaiting the approval of the higher authority, which thus sometimes found itself committed, whether it approved or not, to acquiescence in a fait accompli. The factor of distance, however, lost much of its force when in 1865 it became possible to telegraph from England to India by cable, when in 1869 the Suez Canal was opened, and when a new network of railways, roads and telegraphs spread over India. The result was a marked stiffening of control by Whitehall over the Central Indian Government and by the Centre over the Provinces, a process which reached its peak at the end of the nineteenth century and the beginning of the twentieth. No Secretary of State concerned himself so closely with the details of Indian administration as Lord Morley. No Viceroy made his power and influence more sharply felt throughout the length and breadth of India than Lord Curzon.

Yet even the most dictatorial and industrious Secretary of State or Viceroy was still prevented from carrying centralised control beyond a certain point. It was not only distance, which can be minimised but never annihilated. There was a second factor: the huge volume of business involved. It was utterly impossible for the India Office to control the day-to-day administration of a sub-continent, inhabited by more than 200 million people. It was more possible at Calcutta or at Simla than in London, but only if the Central Government were run on a very great scale at a very great cost. In fact, the small size of the Central Government compared with that of India has often been remarked. It has never comprised more than ten departments, nor employed more than about 150 first-grade civil servants.

In general, therefore, the powers of 'superintendence, direction and

<sup>1</sup> 'Central Government' will be used for convenience in this book instead of the legal designation 'Governor-General in Council' or the more common title 'Government of India'. 'Local government' in the Act meant the Government of a Province.

control' were exercised in matters of policy rather than of current administration. And for this two main instruments were employed, one financial, one legislative. Finance is the foundation of all government, and in nothing else was the supremacy of the Secretary of State so clearly affirmed. Thus the Act of 1915 expressly prescribed that no grant should be made from 'the revenues of India' without the assent of the Secretary of State and a majority of his Council—a body of advisers, mostly with experience of India, appointed by him. This did not mean in practice that every item of expenditure was scrutinised in Whitehall: most of the field was covered by an elaborate series of financial rules laid down with statutory authority by the Secretary of State. But it did mean that not only the broad financial policy but also all substantial projects of expenditure were carefully checked and effectively controlled by the Secretary of State, who submitted a report on the Indian budget every year to Parliament. All government loans, moreover, required the sanction of the Secretary of State in Council, and those raised in Britain on India's behalf were raised directly by that authority.

Still closer was the Central Government's grip on the finances of the Provinces. Before 1919 there was no legal division between their financial resources and those of the Centre. They all belonged to 'the revenues of India'. No distinction was made between the classes of taxes that might be levied by the Central and Provincial Governments respectively, and money raised directly by the latter became part of the common revenue as much as money raised within a Province by Central taxation. To a share in any of the proceeds the Provinces had no legal claim; and at one time they depended mainly on what was handed out to them by the Centre. But so centralised a system was difficult to work, and in due course a series of settlements were made in accordance with the needs of the various Provinces and their ability to raise funds within their own borders. By the end of the nineteenth century it had become customary to regard these settlements as *quasi*-permanent, though they might be supplemented, if conditions were favourable, by doles from the Centre; and the Centre was thus able to relax the close control it had previously exercised over the budgets of every Provincial Government. Rules were made authorising Provincial expenditure for stated purposes within stated limits without obtaining the previous sanction of the Central Government and through it of the Secretary of State. New proposals for taxation, however, like other legislative proposals, had to be approved beforehand, and no Provincial Government had authority to raise a loan.

The legislative method of control was simpler. Neither the Central nor a Provincial Government could introduce any bill, other than a purely formal one, unless its actual terms, or at least a full statement of its scope and purposes, had been approved by the Secretary of State, and sufficient time had to be allowed to enable him to forestall its introduction by vetoing it outright or directing alterations to be made in it. In the



case of a Province this check was twofold, since the Central Government first examined its proposals and forwarded them, with its opinion on them, to the India Office. As long as the Governor-General and the Governors were in a position to control their legislative bodies by the command of official majorities, this method of control was quite as effective as the control of finance. Provincial laws were not only approved, they were to some extent directly framed, by the superior authorities.

Apart from finance and legislation there was not—and, as has been pointed out, there could not be—any rigid and continuous control of the Provincial Governments. Unless some special question arose which demanded the intervention of the Centre or excited the interest of the Secretary of State or provoked inquiries in Parliament, Provincial Governments were permitted to carry on their day-to-day administration as might seem to them best in the light of varying local conditions. But they were expected to abstain from launching a new policy without the sanction of the Central Government and from dealing with a novel or difficult situation without at least informing the Centre as soon as possible afterwards. The same understanding obtained between the Central Government and the India Office, not only as to the former's own administrative problems, but also as to those which had been brought to its notice by the Provinces. Such scrutiny, in the case of the Provinces a double one, sounds formidable; but in fact the scope of its operation was relatively narrow, since most changes in administrative policy required new legislation or new expenditure or both, and therefore could not be initiated without the prior approval of the Centre and Whitehall.

There was another factor making for the unity of British India. The higher personnel of the Provincial administrations was unitary in character. All the superior posts were held by members of the All-India Services (as they came to be called), and those services were recruited by the Secretary of State, who was responsible for their pay and pensions and, in the last resort, for their conduct. Their members' work was done for the most part in the Provinces, but some of them, mostly members of the Indian Civil Service, were drawn away from time to time to staff the departments at the Centre, and all of them, or at least the great majority who in those days were of British race, were conscious that they formed a single body of men on whom Parliament relied to fulfil the trust it had undertaken for the peace, order and good government of the country.

In law and in fact, then, the government of India was highly centralised, probably as highly as the circumstances permitted. But it must not be supposed that the Provinces were thus degraded to the status of mere counties or municipalities or that their Governments were the docile creatures of the Centre. Bengal, Madras and Bombay, in particular, were conscious of their separate personality. Memories of their old independence were slow to die, and concrete traces of it lingered in the fact that their Governors were selected not as in other Provinces from the

Indian Civil Service but from the ranks of public men in England, and that their Governments were entitled to correspond with the Secretary of State directly. These Provinces, therefore, were more critical of Central control and more outspoken in their comments on it. But as time went on the other Provinces tended to follow suit, to develop their own individuality and air their own opinions, just as the Central Government tended to become increasingly impatient of interference from Whitehall. To what extent the growth of this 'particularism' was associated in Indian minds with past history will be considered in a later chapter; but it is interesting here to note that it was reflected also in British minds. Those British All-India officials knew, as has been said, that they were the servants of Parliament and of India, but they felt themselves to be much more directly the servants of the Province in which they were posted. Most of them spent all their years of service in one Province. Many of them never saw another Province except in transit. To all except the few who became permanently engaged at the Centre the Government was primarily the Provincial Government, the Centre a distant outsider, and the Secretary of State a still more remote and shadowy figure. And with this attitude went the sense of personal loyalty which is characteristic of an Englishman's feelings about the institutions or communities to which he is attached. They were as proud of their Province as of their university or their school. Its people were the best in India, its problems the most interesting, its natural features the most beautiful, its climate the least bad.

## II. THE INDIAN STATES

The organisation of that large part of India which was not annexed was very different from that of British India. In the first place it was divided into a far greater number of territorial units. The Indian States number no fewer than 562. Most of them, however, are relatively small, some only a few square miles in area and more like estates than States. When a Chamber of Princes was set up in 1921,<sup>1</sup> the rulers of only 109 States were represented individually, and of the remainder the rulers of 127 were allotted only twelve representatives between them: the rest were not represented at all. In the second place the relationship of the States with the British Government was of quite another kind from that of the Provinces. It was a unique kind of relationship, without a close parallel within the British Empire or elsewhere, based on a multitude of specific agreements. With the smaller units the agreements did little more than recognise the rights of a landlord who might retain a limited judicial authority in his domain, but in return for British recognition and protection would have to accept a large measure of British control in its administration. But with the more important States the agreements—treaties, engagements or *sanads*—were of a more balanced or bilateral

<sup>1</sup> See p. 64, below.

character.<sup>1</sup> The position established by them and by subsequent conventions and political decisions or usage is broadly as follows. The British Government on its side undertook to defend the ruler and his lawful successors from external or internal attack and not to interfere in the domestic concerns of his State except in the event of gross misgovernment. The ruler, for his part, accepted what came to be called the 'sovereignty' of the British Crown and agreed to surrender all control of his relations with other States to the 'Paramount Power', to provide military forces if required for the defence of India, and to co-operate in the extension of communications and other matters affecting India as a whole. Thus, on the one hand, the rulers or, to give them their present-day collective title, the Princes, retained their domestic autonomy *quandiu se bene gesserint*, their territory did not become British soil, and their subjects did not become British subjects but remained their own subjects.<sup>2</sup> Nor was the British Parliament, or any legislature it might set up in India, entitled to make laws affecting the internal government of a State. On the other hand, the Princes were no longer sovereign in the full sense of the word. Not only were their internal affairs subject to supervision and in certain circumstances to intervention on the part of the Paramount Power; they could not deal with one another or with any other government except through the agency of that Power.

This division between the Indian States and British India defies geography. The creation of historic accident, the States are scattered haphazard over the map. Here and there British territory is closely interlaced with theirs. But they can be grouped in eight more or less distinct blocks: (1) Kashmir and the States in Baluchistan<sup>3</sup> and on the North-West Frontier; (2) the Punjab States with a population of  $4\frac{1}{2}$  millions; (3) Rajputana, with a compact area of some 29,000 square miles and over  $11\frac{1}{2}$  million people; (4) the Central group, of which the Maratha States of Gwalior and Indore are the most important, with 9 million people; (5) the Western group, comprising Baroda and the States of Kathiawar, with 8 million; (6) the Eastern States, with 8 million; (7) Hyderabad, with 15 million, Mysore, with 7 million, and the Deccan States with  $2\frac{1}{2}$  million, and (8) the Southern group, headed by Travancore (7 million).

The lack of any natural frontiers between the States and British India is reflected in the character of their respective peoples. The inhabitants of the States all spring from the same races, speak the same languages, profess the same religions as their neighbours over the border. The

<sup>1</sup> The text of a specimen treaty will be found in Appendix I, p. 163, below.

<sup>2</sup> For passport and other purposes abroad, subjects of Indian States are treated as 'British protected persons'.

<sup>3</sup> Two-thirds of Baluchistan and nearly half its population are comprised within the State of Kalat and its tributary, Las Bela. The chiefs of the tribal areas of the Marri and Bugtis are also in some sort feudatories of the Khan of Kalat. The rest of the country, containing about one-sixth of the total population, is under British administration. Part of it has been annexed, part leased from the Khan of Kalat, and part taken over at the request of its inhabitants.

principal cleft in Indian society, the cleft between Hindus and Moslems, cuts through the States as it does through the rest of India. But, whereas the Moslems number about one-quarter of the total Indian population, they number only about one-sixth of the population of the States. Most of the rulers are Hindus, but their religion is not necessarily that of the majority of their subjects. Thus the Nizam of Hyderabad, a Moslem, rules a country in which there is only one Moslem to every twelve Hindus, while the Maharaja of Kashmir, a Hindu, has some three million Moslem and less than one million Hindu subjects.

The only difference, in fact, between the States and British India is political—the difference in their form of government and in their relations with the British Raj. And this difference, it is sometimes said, justifies the name that has been given to the States of ‘Indian India’. They are the true heirs of India’s past, runs the argument. They alone have not been conquered or annexed. They alone have preserved the chain of Indian history unbroken by the foreigner. They alone have maintained the immemorial tradition of Indian monarchy. They alone manage their own domestic affairs in their own Indian way. They alone have civil and, in some cases, military services wholly of their own creation and under their own control. Progressive-minded Indians in British India might admit so much; but they would go on to argue that the India which the States have kept in being is the India of the eighteenth century or in some cases almost of the Middle Ages; that, generally speaking, they have lost touch with the advance in political ideas which, despite direct British rule or because of it, has been achieved by the educated Indians of British India; that they belong to India’s past and, unless they soon emerge from it, will lose their place in India’s future.

In so far as the government of the States is autocratic it does not differ in principle from the government of British India before 1919. But, whereas in British India autocracy was exercised indirectly by the official agents of a distant authority, the King-Emperor in Parliament at Westminster, the ruler of a State was on the spot and his rule was direct and personal. There are natural limits to the powers of any autocrat, and a Prince’s absolutism was tempered by usage and tradition, by religious and social sanctions, and by the rights and privileges of his nobles. It has been an ancient custom in the East, moreover, for the ruler at regular and often frequent intervals to hold a *darbar* at which his subjects may appear before him and state their grievances and make their petitions.<sup>1</sup> When, as will be recorded in the next chapter, the principle of representative government was introduced in British India, one or two Princes adapted the *darbar* to the British model. But by 1919 this process had not gone far. In five States legislative councils had been established and in three

<sup>1</sup> Descriptions of the *darbars* of the Mogul emperors are given in *Ain-i-Akbari* (trans. H. Blochmann, Calcutta, 1878-94), i, 156, and *The Embassy of Sir T. Roe* (London, 1899), i, 108-9.

representative assemblies of a kind; but the powers of these bodies were little more than advisory, they were only *durbars* in a new costume, and they were not intended to develop into effective instruments of the popular will or means of weakening the Prince's power.<sup>1</sup>

In methods of administration the States were brought nearer to the British Indian model. In course of time the larger States 'adopted in a more or less modified and simplified form the penal code of British India, the procedure codes and some of the substantive laws'.<sup>2</sup> Departments were established, high courts set up, and local administration organised under district officers. For the charge of departments or for the bench Indians were sometimes borrowed from the public service of British India, and the post of prime minister in a leading State—the *divan* as he is called in Hindu States, or *wazir* or some similar name in Moslem States—has attracted some of the ablest men in India. But, however efficient his officials might be, the Prince remained the ruler. To quote an authoritative writer:

The dominant note in native states is the absolutism of the ruler. In states of the Rajput type, where the chief is the head of the clan and the nobles are his blood-relations, it is qualified to some extent by their privileges and prescriptive rights. But in states of the ordinary type the ruler is the state, though he may choose to rule by deputies. At any time he may elect to put them aside and to take up the reins; while some of the ablest princes of India have always kept the detailed administration of their states in their own hands with advantage to their subjects.<sup>3</sup>

Thus the personal autocracy of the States was something quite different from the official autocracy by which British India was governed till 1919 or at least till 1900. No less striking was the contrast between the unity of British India and the disunion of the States. The Provinces, as has been seen, were held tight together by their subjection, complete in law and considerable in practice, to the supreme authority of the Central Government and the Secretary of State. The States also shared in a common subordination to the Paramount Power, but it was of a much more limited character and much less effective as a unifying force. In the Provinces the power of the Central Government permeated every corner of the land; in the States it could not be exercised at all in their internal life, except by way of supervision and advice or in the rare event of the ruler completely failing to do his duty. And in external affairs their common subordination, while it linked them with the Paramount Power, did not link them to each other; before 1919 they could not deal with the Centre in combination, nor could they deal with one another except through the Centre. The only unity, in fact, which the States achieved was contained in the fact that the Governor-General, who established the practice of holding the States portfolio himself and thus keeping

<sup>1</sup> Later constitutional developments in the States will be described in Part II.

<sup>2</sup> Sir T. W. Holderness, *Peoples and Problems of India* (Home University Library, 1912, revised edition, 1920), 184-5.

<sup>3</sup> *Ibid.*, 185.

relations with the States mainly in his own hands, was their common overlord as representative of the King-Emperor, that for keeping in touch with them and their affairs he employed a single corps of residents and political officers specially recruited for the purpose, and that his various decisions on State questions tended to adhere to the same principles and precedents and so to establish a more or less uniform and consistent line of policy. Apart from that the States remained isolated, incoherent units.

But, if there was little unity between the States themselves, they were bound to share to some extent in the unity imposed by the force of circumstances on India as a whole. The economic development of India, which steadily gathered strength as the nineteenth century proceeded, inevitably affected the domestic life of the States: their peoples were entangled in innumerable ways in a common Indian economy. Nor was this only an individual or local matter. Some economic enterprises could only be projected on a national scale. The most obvious example was the railway system, which had necessarily to cross States as well as Provinces. Nor, to take another example, could the Government of British India make the most of a revenue from customs-duties, still less develop a tariff policy, if seaboard States were able to act quite independently. On such matters of common Indian concern, therefore, the Central Government attempted to secure, and usually did secure, agreement with the States. The result was sometimes an interesting illustration of the difference between British India and the States. For the process of agreement was often a bargaining process, and the States were thus enabled to obtain privileges denied to the Provinces. Seaboard States, for example, with ports at their command; while with one exception they have agreed to impose and collect the same customs-duties as those imposed at British Indian ports, are permitted to keep some of the proceeds for their own use; but the duties collected at British Indian ports, all of which, of course, are within Provincial borders, are paid in full into the coffers of the Central Government. Some States, too, may issue their own postage-stamps, valid throughout India, and retain the proceeds of their sale, whereas in British India all postal revenue is a Central monopoly. No Province, again, may levy customs-duties on its land frontier, but some States can and do.

Such anomalies, however, are of relatively minor importance. The major fact has been the growing influence of modern conditions of life in breaking down the isolation of the States from one another and from the rest of India. It was artificially created and to a large extent it has been artificially maintained. But it was not till 1917-19 that the idea of India being governed otherwise than in two water-tight compartments was tentatively broached; and it was not till 1930-35 that a real attempt was made to establish the political unity of India. Unfortunately the decisions, then boldly taken, were not implemented, and the old chasm between British India and the States remains to stiffen and complicate the problem of today.

## CHAPTER II

### CONSTITUTIONAL DEVELOPMENTS IN BRITISH INDIA, 1833-1909

#### I. THE CHARTER ACT OF 1833

Englishmen who thought about India seem never to have supposed that its subjection to British rule, however long it might last, was a permanent dispensation. The ultimate enfranchisement of India was implicit in Burke's doctrine of trusteeship, since the guardian's duty ends when his ward comes of age; and the implication was put into words by more than one of the British officials in India who were giving effect to the 'trust' in the first half of the nineteenth century. Writing in India in 1818, Lord Hastings, who was responsible as Governor-General for a substantial extension of British rule, declared his belief that

a time not very remote will arrive when England will, on sound principles of policy, wish to relinquish the domination which she has gradually and unintentionally assumed over this country and from which she cannot at present recede.<sup>1</sup>

Hastings' ablest lieutenant, Thomas Munro, perhaps because he was thinking as much of Indian welfare as of British 'policy', envisaged a longer period before Indians would be able 'to govern and protect themselves'. British rule must be maintained, he wrote in his often-quoted minute of 1824, till the people of India

shall in some future age have abandoned most of their superstitious and prejudices, and become sufficiently enlightened to frame a regular government for themselves, and to conduct and preserve it. Whenever such a time shall arrive, it will probably be best for both countries that the British control over India should be gradually withdrawn.<sup>2</sup>

A third prophet of India's emancipation was Henry Lawrence in 1844.

We cannot expect to hold India for ever. Let us so conduct ourselves . . . us, when the connexion ceases, it may do so not with convulsions but with mutual esteem and affection, and that England may then have in India a noble ally, enlightened and brought into the scale of nations under her guidance and fostering care.<sup>3</sup>

All these were only personal opinions, but in the course of the same generation a self-governing India was declared to be the ultimate objective

<sup>1</sup> *Private Journal of the Marquess of Hastings* (London, 1858), II, 320.

<sup>2</sup> B. Muir, *The Making of British India* (Manchester, 1928), 285.

<sup>3</sup> *Essays* (London, 1850), 59-60, quoted by J. L. Morison, *Lawrence of Lucknow* (London, 1934), 57.

of the British Government. When Macaulay made his famous speech in the House of Commons on the Charter Bill of 1833 he was speaking as Secretary of the Board of Control, and the speech was warmly praised by Charles Grant, who, as President of the Board, was in charge of the Bill on the Government's behalf.<sup>1</sup> And in it Macaulay expressed the hope that in course of time the people of India would become fitted for representative government—the kind of government which an Englishman and a Whig of those days was bound to consider the best in the world, the kind that seemed to be spreading irresistibly over Europe as it emancipated itself from the *ancien régime*. Further than that Macaulay did not look, but he can scarcely have supposed that the growth of representative institutions in India could be permanently compatible with the maintenance of British rule.

Thus the ultimate goal of Indian self-government, however dimly described, was not in doubt: it was the means of reaching it that were to baffle British statesmanship. The British habit of mind in politics has never been very speculative or original; it has clung to old and well-tryed principles, adapting them to meet the needs of changing times; and there was nothing in British experience to afford a precedent for governing India, 'a state', as Macaulay put it, 'which resembles no other in history and which forms by itself a separate class of political phenomena'.

A few years later, as it happened, British statesmen were compelled to deal with the problem of self-government in Canada. By contrast with the Indian problem it was relatively easy. 'It needs no change in the principles of government,' wrote Durham in his great Report of 1839. 'no invention of a new constitutional theory, to supply the remedy. . . . It needs but to follow out consistently the principles of the British constitution': and he recommended, accordingly, that the Canadian colonies 'should proceed, as Britain had proceeded, from the first stage of representative government to the second stage of responsible government. The acceptance of Durham's advice, after a few years' hesitation, by the British Government and Parliament determined the future of Canada. From that point the gradual advance to the Dominion status of to-day has been almost automatic. But, of course, the Canadian situation was not comparable with the Indian. Most of the Canadians came of a people which had possessed a representative parliament for more than five hundred years, and, if the French-Canadian minority had only enjoyed representative institutions for one-tenth of that time, they also were the offspring of Western Europe and they had already shown themselves as capable of working those institutions as their English fellow-citizens. But for the diverse races of India, which except in the small affairs of village life had had no comparable experience of self-government, even the first stage in the British evolution of it, even representative government by itself, seemed in Macaulay's day impossible. In the Select Committee of the

<sup>1</sup> Macaulay, *Hansard*, xix (1833), 503-36; Grant, *ibid.*, 547-9.



House of Commons in 1832 James Mill, whose devotion to India was only equalled by his faith in 'pure democracy', was asked: 'Do you consider, in the present state of society in India, anything approaching to representation as entirely out of the question?' 'I conceive wholly so,' he replied;<sup>1</sup> and Macaulay quoted that reply when he told the Commons that no alternative method of governing India was yet in sight than that of 'an enlightened and paternal despotism'.

This, then, is the state in which we are. We have to frame a good government for a country into which, by universal acknowledgement, we cannot introduce those institutions which all our habits—which all the reasonings of European philosophers—which all the history of our own part of the world would lead us to consider as the one great security for good government. We have to engraft on despotism those blessings which are the natural fruits of liberty. In these circumstances it behoves us to be cautious, even to the verge of timidity. The light of political science and of history is withdrawn—we are walking in darkness—we do not distinctly see whither we are going. It is the wisdom of man, so situated, to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.

The Bill, accordingly, was a cautious measure. The Government of India was to be still a purely official government. Executive authority was vested in the Governor-General and his Council of officials and in the Governors of the Presidencies and their similar Councils, legislative authority in the Governor-General in Council alone. At this time all the members of the Councils were British, and the only clause in the Bill which intimated that Indians might some day share in governing India was the clause enabling Indians to hold any office in the government, however high. A 'noble clause', Macaulay called it, and it is now generally admitted that the long-delayed and meagre application of it was a great mistake. None the less, the major problem was not who should constitute the civil service, but what should be the kind of government it was to serve; and as to that Macaulay could do no more than declare his belief, or at least his hope, that it might ultimately be possible for India, like Britain or like Canada, to be governed on British principles. To quote the well-known peroration:

The destinies of our Indian empire are covered in thick darkness. . . . It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that, having become instructed in European knowledge, they may in some future age demand European institutions. . . . Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history.

## II. THE LEGISLATIVE COUNCILS

The first constitutional advance from the position of 1833 was due to the shock occasioned by the Indian Mutiny. The disappointment of the

<sup>1</sup> Evidence of the Committee, Public and Miscellaneous, Q. 364. (India Office.)

East India Company and the assumption of direct control over British rule in India by a Secretary of State and Parliament under the Act of 1858 were not the only result of that catastrophe. It had taken the Government of India by surprise, and, limited though it was in its scope, it had revealed the gap of ignorance and misunderstanding that yawned between the British rulers, however benevolent their intentions, and their Indian subjects. It was clearly dangerous to continue, as Sir Bartle Frere put it, 'to legislate for millions of people with few means of knowing, except by a rebellion, whether the laws suit them or not'.<sup>1</sup> An attempt was made, therefore, by the Indian Councils Act of 1861 to establish closer contact between government and the governed. The Act provided for the enlargement of the Governor-General's Executive Council to form a Legislative Council, reconstituted and likewise enlarged the Legislative Councils in Madras and Bombay, and provided for the creation of similar Councils in Bengal, the North-Western Provinces and the Punjab; and it prescribed that at least half the new or 'additional' members should in each case be chosen from outside the ranks of the civil service. Since most of the 'non-official' members thus chosen were Indians, the Act of 1861 may be said to have introduced the representative principle into the Indian constitution. But it was by no means a concession of the representative government which Macaulay had so firmly ruled out a generation earlier. The majority in the Councils were still officials, and the small groups of non-official members were nominated by the Governors, not elected. Their powers, moreover, were purely legislative. They could not even ask questions about, still less discuss, executive business. The conduct of administration, including all matters of finance, remained in the exclusive control of the wholly official Executive Councils.

This, of course, was not representative government as practised in England or the Colonies; for there had never been such limitations on the functions of the House of Commons or the colonial Representative Assemblies; the discussion of taxation in particular had been the main reason for their existence. Sir Charles Wood, the Secretary of State, who introduced the Bill, was right to tell the House of Commons that the Governor-General's new Council—and the same applied to the Provincial Councils—was not intended to be a representative law-making body in the normal sense of the words. 'You cannot possibly', he said, 'assemble at any one place in India persons who shall be the real representatives of the various classes of the Native population of that empire.'<sup>2</sup> The new move, indeed, was more in accordance with Indian tradition than with British. Frere likened the functions of the Councils to those of 'the *darbar* of a native Prince . . . the channel from which the ruler learns how his measures are likely to affect his subjects, and may hear of discontent before it becomes disaffection'.<sup>3</sup>

<sup>1</sup> *Montagu-Chelmsford Report*, 1918 [Cmd. 9109], § 60.

<sup>2</sup> *Hansard*, clixiii (1861), 641.

<sup>3</sup> *M.-C. Report*, § 60.

It is worth recalling that the first edition of John Stuart Mill's *Considerations on Representative Government*, the classic of nineteenth-century liberalism, was published in 1861, and in it James Mill's repudiation of representative institutions in India in 1832 was echoed by his more famous son. John Stuart Mill took it for granted that India was not one of 'the dependencies whose population is in a sufficiently advanced state to be fitted for representative government', such as the British colonies in North America or Australia. Britain, therefore, must do her best to fulfil 'the highest moral trust which can devolve upon a nation' and give India a more stable and more enlightened rule than she could get from any native despotism. 'It is always under great difficulties, and very imperfectly, that a country can be governed by foreigners', and Britain would only succeed in her task in India

through far wider political conceptions than merely English or European practice can supply and through a much more profound study of Indian experience and of the conditions of Indian government than either English politicians or those who supply the English public with opinions have hitherto shown any willingness to undertake.<sup>1</sup>

A few years later an effort was made to apply this doctrine in the reorganisation of local government, initiated by Lord Mayo in 1873 and extended by Lord Ripon in 1883. Ripon, whose political affiliations were Macaulay's, Mill's and Gladstone's, defined his reforms as 'a measure of political and popular education', but at the same time he emphasised the need for making use of 'indigenous institutions' as far as possible, and emphatically denied that he was 'trying to impose our English system on India'. But there were virtually no local institutions of a popular kind in India except where a simple form of village self-government by small committees, known as *panchayats*, had survived the centralising tendencies of British administrative efficiency. While, therefore, the *panchayats* were maintained as far as possible, the new and wider organs of local government, for which there was no 'indigenous' model, were almost inevitably constructed on British lines. That meant another and a fuller application of the representative principle. Members of the new Municipal Councils and Rural District Boards—in some cases a majority of them—were directly elected.<sup>2</sup>

Meantime the political complexion of India was rapidly changing. The effects of British rule in unifying India were now making themselves felt. It was not only that all India owed allegiance to one sovereign and that two-thirds of it had been brought under a single frame of government. The introduction of a modern system of communications—railways, the telegraph, cheap postage and better roads—had made it infinitely easier for Indians throughout their vast country to travel and correspond

<sup>1</sup> 1894 edition (New Universal Library), 319-20, 322, 337.

<sup>2</sup> *Cambridge History of the British Empire*, vol. v, chap. xxxiii. L. Wolf, *Life of Ripon* (London, 1921), ii, 100.

and meet than it had ever been before; and the use of one language, English, as the vehicle of higher education had similarly made it easier for the educated to know and understand each other. The reaction of these changes on the millions of illiterate peasantry, who then as now constituted the vast majority of the population, was only economic; but among a growing minority of educated town-bred Indians they fostered a new consciousness of Indian unity, of something that, despite all the differences between India and the western world, might almost be called Indian nationhood. Since they had studied the classics of English literature and keenly followed in books and newspapers the course of politics in Europe of which the rise of nationalism was the outstanding feature, this new Indian attitude of mind was bound to have its political side, and the history of Indian nationalism may be said to have formally begun when in 1885 seventy-two Indians, from most parts of India, assembled at Banbury to attend the first session of the Indian National Congress.

The first speaker on the first resolution, Mr. Subramania Aiyar of Madras, after declaring that 'by a merciful dispensation of Providence' Britain had rescued India from centuries of external aggression and internal strife, summed up the benefits of British rule 'in one remarkable fact, that for the first time in the history of the Indian populations there is to be beheld the phenomenon of national unity among them, of a sense of national existence'.<sup>1</sup> Indian nationalism, in truth, was the child of the British Raj, and the British authorities blessed its cradle. Though it was decided that officials should not preside or participate except as friendly observers at the meetings, Lord Dufferin, the Viceroy of the day, regarded the new body as a desirable and useful means of expressing Indian public opinion, in other words a new sort of *darbar*. But these first Congressmen were more interested in British than in Indian forms of government. 'Indirectly this conference', said the prospectus issued before it met, 'will form the germ of a Native Parliament, and, if properly conducted, will constitute in a few years an unanswerable reply to the assertion that India is still, wholly unfit for any form of representative institutions.'<sup>2</sup> A resolution at the first session declared 'a considerable portion of elected members' to be 'essential' not only in the Provincial Legislative Councils but also in the Governor-General's; and at the second session, held in 1886 at Calcutta, it was resolved that the elected members ought to constitute at least one-half of all the Councils. Another resolution asserted that 'all financial questions, including all budgets', should be 'submitted to and dealt with' by the Councils, and that their members should be entitled to ask questions on all matters of administration within the limits of public safety.<sup>3</sup> Thus Macaulay's vision seemed to be taking shape. European knowledge had created a demand for European institutions.

<sup>1</sup> Sir Verney Lovett, *History of the Indian Nationalist Movement* (2nd ed., London, 1920), p. 36.

<sup>2</sup> *Ibid.*, 36.

<sup>3</sup> D. Chakrabarty and C. Bhattacharyya, *Congress in Evolution* (Calcutta, 1935), 2-3.

There was no trace of anti-British feeling in these early sessions of the Congress, and the next constitutional advance, the Councils Act of 1892, showed that the Government of India was by no means out of sympathy with its aspirations. The Act enlarged the Provincial Councils and empowered them, though not the Governor-General's Council, to discuss the budget and raise administrative questions, though not to vote on them. Lord Dufferin, the Viceroy, moreover, was prepared to concede at least a measure of election. He proposed that, while some of the non-official members should still be nominated, others should be elected. But Lord Cross, the Secretary of State in Lord Salisbury's second Government, refused to sanction 'a fundamental change of this description without much more positive evidence in its favour than was forthcoming'.<sup>1</sup> The upshot was a compromise. A few of the non-official seats were still to be filled by simple nomination; but for a majority of them 'recommendations' were to be made by local bodies or corporations—religious communities, municipalities, universities, chambers of commerce and the like. In the event this half-hearted evasion of the elective principle came to nothing. Since the 'recommended' candidates were in practice accepted as a matter of course, the process became virtually election. Yet it was still something different from election as practised in Britain. With the single exception of the university representatives the members of the House of Commons are chosen by general or territorial constituencies in which all groups and sections of the population are comprised. But Indian society, to quote a dispatch from the Government of India in 1892, was 'essentially a congeries of widely separated classes, races and communities with divergences of interest and hereditary sentiment', which could be properly represented only by those who knew and shared their sectional opinions.<sup>2</sup>

Seventeen years later a much longer step was taken. In 1909 Indian nationalism was very different from what it had been in 1885 and 1892. Many of its exponents were now 'extremists', denouncing the British Raj and all its works and organising what was known as 'Indian Unrest'. The movement was most active in Bombay and Bengal, and its ugliest aspect was the assassination of officials, Indian as well as British. It was a grave but not a dangerous situation, for politics were still the monopoly of the small educated class, and the great mass of ignorant villagers, busy with their hard task of wresting a livelihood from the soil, knew and cared nothing about representative government or Indian nationhood. Nevertheless Lord Minto, Viceroy from 1905 to 1910, decided that, while 'extremism' should be firmly repressed, a further and a substantial concession should be made to the more moderate nationalists of whom the leader at this time was Mr. Gokhale. Minto was met half-way by the Secretary of State during the same five years, John Morley, yet another disciple of John Stuart Mill and Gladstone's chief lieutenant in the campaign for Home Rule in Ireland. The outcome was the 'Morley-Minto Reforms' of 1909.

<sup>1</sup> *M.-C. Report*, § 69.

<sup>2</sup> *Cmd. 4426*, 1908, p. 2.

By the Indian Councils Act of that year the principle of election at the Centre (to use a brief term for the Governor-General's Legislative Council) as well as in the Provinces was now recognised and legalised, but the constituencies were still to be communities and groups of various kinds and not general constituencies of the normal democratic type. A small official majority was retained at the Centre; but in all the Provinces the officials were outnumbered by the nominated *plus* elected members, and in Bengal the elected members had a clear majority.<sup>1</sup> A little later an important move was also made in the executive field. The possibility of Indians holding the highest offices in the administration, foreshadowed in Macaulay's 'noble clause', was realised at last by the appointment of an Indian not only to each Provincial Executive Council but to the Governor-General's also—in the latter case the Indian was Mr. Satyendra Sinha, an eminent lawyer, from Bengal—and two Indians were also given seats on the Secretary of State's Council at the India Office.

### III. THE REPUDIATION OF PARLIAMENTARY GOVERNMENT

The Act of 1909 brought the constitutional advance begun by the Act of 1861 to the threshold of representative government, and in Bengal, in so far as the elected members of the Council might have voted together and so controlled the legislature, the threshold had in principle been crossed. Yet the idea that this development was comparable with what had happened in England or the Colonies was firmly rejected at each of its stages by all the British statesmen and officials concerned. The Legislative Councils were still regarded as *durbars* rather than as parliaments; and in 1909 no less than in 1892 both the authors of the measures of advance and their critics, Liberals as well as Conservatives, declared as categorically as Macaulay in 1833 that India was not qualified for a parliamentary system. Thus in the masterly dispatch which preceded the legislation of 1892 Lord Dufferin was careful to explain that the reform of the Councils, though it involved 'the liberalisation of their general character as political institutions', must not be interpreted as 'an approach . . . to English parliamentary government and an English constitution'. 'Such a conclusion', he wrote, 'would be very wide of the mark, and it would be wrong to leave either the India Office or the Indian public under so erroneous an impression.'<sup>2</sup> Similar warnings were given to Parliament by the leaders of both parties. Lord Salisbury, then Prime Minister, pointed out that elective or representative government was 'not an Eastern idea', that its introduction into India would be the gravest possible 'parting of the ways', that it only works well when 'all those who are represented desire much the same thing', and that it puts 'an intolerable strain' on a society.

<sup>1</sup> This elected majority was, perhaps, more nominal than real, since four of the elected members were British representatives of the British resident community who could be expected to support the Government on any crucial question.

<sup>2</sup> *M.C. Report*, § 68.

divided into hostile sections.<sup>1</sup> Lord Kimberley, who, like Lord Salisbury, had been Secretary of State for India and was to return to that office later on, was still more emphatic. 'The nation', he said, 'of parliamentary representation of so vast a country, almost as large as Europe, containing so large a number of different races, is one of the wildest imaginations that ever entered the minds of men.'<sup>2</sup> It was the same in 1908-9. Lord Curzon's chief criticism of the new Councils was that they would inevitably become 'parliamentary bodies in miniature'.<sup>3</sup> Mr. A. J. Balfour went deeper.

We all admit [he said] that representative government, government by debate, is the best form of government when it is suitable, but it is only suitable . . . when you are dealing with a population in the main homogeneous, in the main equal in every substantial and essential sense, in a community where the minority are prepared to accept the decisions of the majority, where they are all alike in the traditions in which they are brought up, in their general outlook upon this world and in their broad view of national aspirations.<sup>4</sup>

Morley did not contest these arguments, and his conclusion was the same. 'If it could be said', he told the House of Lords, 'that this chapter of reforms led directly or necessarily to the establishment of a parliamentary system in India, I for one would have nothing at all to do with it.'<sup>5</sup>

Morley's negative attitude was challenged by 'impatient idealists', as he called them, on his own left wing who expected a more robust belief in the universal value of British institutions from the political descendant of Macaulay, the student and exponent of liberalism in Europe, the champion of a parliament at Dublin. He met such criticism with the repeated assertion of the fact that circumstances alter cases. There could be no analogy, he said, between Ireland and India or between Canada and India. He derided the idea that 'whatever is good in the way of self-government for Canada must be good for India' as a 'gross and dangerous sophism'. It was like arguing, he said, that, because a fur coat is needed in the Canadian winter, it is needed in the Decan.<sup>6</sup> He was equally frank in his friendly talks with Mr. Gokhale at the India Office.

He made no secret [he reported to the Viceroy] of his ultimate hope and design—India to be on the footing of a self-governing colony. I equally make no secret of my conviction that for many a day to come—long beyond the short span of time that may be left to us—this was a mere dream.<sup>7</sup>

Another letter to Minto reveals that Morley's attitude was not wholly negative.

Not one whit more than you do I think it desirable or possible, or even conceivable, to adapt English political institutions to the nations who inhabit

<sup>1</sup> *Hansard*, cccxlii (1890), 98-9.

<sup>2</sup> *Ibid.*, 98.

<sup>3</sup> *Ibid.*, iii (1909), 558. Compare Syed Ahmad's speech in 1883 (Appendix II, p. 155, below).

<sup>4</sup> *Ibid.*, 35-6.

<sup>5</sup> *Ibid.*, H. of L. i (1909), 186.

<sup>6</sup> *Indian Speeches*, 91.

<sup>7</sup> *Recollections* (London, 1917), ii, 181.

India. Assuredly not in your day or mine. But the *spirit* of English institutions is a different thing, and it is a thing that we cannot escape even if we wished . . . because British constituencies are the masters, and they will assuredly insist—all parties alike—on the spirit of their own political system being applied to India.<sup>1</sup>

But Morley left the problem there. He made no positive suggestion as to how in fact the spirit of British institutions could be separated from their form and imitate an autocratic government.

<sup>1</sup> *Ibid.*, 172-3.



## CHAPTER III

### HINDU-MOSLEM ANTAGONISM

THE reason for the persistent refusal of British statesmen to contemplate the development of parliamentary government in India was frequently and plainly stated. It was the familiar fact that India was inhabited by a number of different races and divided by conflicting creeds and ways of life. There were other obstacles to the growth of a democratic system—the backwardness and ignorance of the vast majority of the population and the social barriers of the Hindu caste-system. But these obstacles by themselves would not have seemed insuperable. The political enfranchisement of the British people had not awaited, it had preceded, the spread of popular education ; and the Brahmin aristocracy of India, though it had nothing else in common with the landed aristocracy of Britain, might be expected in the long run to suffer the same fate. Nor were the differences of race, the diverse character and traditions of Bengalis, Madrasis, Marathas, Punjabis and so forth, the major difficulty. Britain had once been the battleground of nationalities whose differences were rooted in their diverse racial origin, but Englishmen, Scotsmen and Welshmen had long learned, without any sacrifice of their 'national' individuality, to live together in a closely united democratic state. The major difficulty was the conflict of religions, in particular the clash of Hinduism with Islam, and for that the only precedent in Britain was the relatively short-lived schism caused by the Reformation in the national life of England and Scotland.

There is, however, a closer precedent in Ireland. Here also the analogy could easily be pressed too far, but the old-standing quarrel between Catholics and Protestants in Ulster has certain similar features with the Hindu-Moslem quarrel in India. The Protestants are a minority in Ireland as a whole, numbering rather less than one-quarter of the population. Though centuries of life in Ireland have made them Irishmen, the Protestants were originally immigrants from abroad and representatives of a conquering people who established their ascendancy over all Ireland. While again the educated members of the two communities live on friendly terms, they are unable to prevent, however much they may deplore, occasional outbreaks of violent hate and strife among the mass of the people. Such outbreaks have been specially liable to occur on the occasion of celebrations or commemorations in either camp, and particularly on the anniversary of the Battle of the Boyne, which confirmed the Protestant ascendancy over Ireland. There were serious riots, involving loss of life

and property, in 1857, 1864, and 1872; but a new edge was given to the quarrel by the growth of Irish nationalism. In 1886, for nearly four months, furious rioting and fighting broke out at intervals in the streets of Belfast. Over thirty people were killed and many more injured. More than once the police had to fire on the crowd. What had inflamed the old feud to this degree was undoubtedly the coming into power of a Liberal Government at Westminster, which seemed to portend an attempt to put all Ireland under a dominantly Catholic parliament at Dublin.<sup>1</sup> Further outbreaks occurred in 1898, 1907, 1912 and 1914, and there were many minor disturbances. In 1920 came the worst riots of the whole sorry series. Between July 22 and September 1 over forty people were killed, many more were injured, and there was much arson and destruction. This time the political complexion of the conflict was unmistakable. It was a direct reflection of the civil war in the South.

In scale, of course, there can be no comparison between the Irish and the Indian situation. There are less than 1 million Protestants in Ireland and more than 80 million Moslems in India. Nor is the gulf between Protestant and Catholic Irish Christians so deep as between Indian Moslems and Hindus; nor does religion permeate the daily life of Irishmen as it permeates that of Indians. But on several points the Irish precedent is significant, and especially on the most grievous point, the passion of the mob. The record of Hindu-Moslem rioting in India is long and tragic. The earliest serious case in British records is the outbreak at Benares in 1809, in which the deliberate insult inflicted on that sacred Hindu city by the erection of a mosque on its most sacred site by the Mogul Emperor, Aurungzeb, a century before, was at last avenged by the Hindus. Several hundred people were killed and some fifty mosques destroyed. Happily that tragedy is unique, and indeed for over seventy years, though there were minor disorders from time to time, there appear to have been no serious outbreaks except in 1871 and 1872. But there was violent rioting at Lahore and Karnal in 1885, at Delhi in 1886, at Dera Ghazi Khan in 1889, at Palakod in 1891, and in a large area in the United Provinces and in the city of Bombay, when eighty persons were killed, in 1898. The chief reason for this persistent trouble between 1885 and 1898 was undoubtedly the fact that during the first four years of the period the Moslem festival of the Muharram coincided with the Hindu Dasahra festival; but it may perhaps be more than a coincidence that the National Congress was founded in 1885 and established its place on the public stage in the course of the next few years. Another disturbed and anxious period ran from 1907 to 1914—a period marked by the discussion, enactment and operation of the 'Morley-Minto Reforms'.<sup>2</sup>

The immediate occasions, though not the deeper causes, of these out-

<sup>1</sup> *Report of the Belfast Riots Commission* (1887).

<sup>2</sup> For the facts in this paragraph see the note on 'Communal Disorders' in *Indian Statutory Commission*, iv, 96-7.

breaks have usually been clashes or disputes connected with the observance of religious ceremonial. Tension due to other reasons may be heightened, for example, at the time of the annual Moslem festival of Baqr' Id, which is peculiarly provocative to Hindu sentiment, since it requires the sacrifice of animals, and among the victims is generally a cow, which is an object of religious veneration to Hindus. Another common cause of trouble is the carrying of the *taziyahs*, bamboo and paper structures representing the mausoleum on the plains of Karbala, to the local burying-places at the Muharram festival. For, if a *pipal* tree, sacred to Hindus, is growing beside the road, its branches may be touched by the *taziyahs*; and the branches must not be lapped, nor may the *taziyahs* be lowered as if in abstinence to the tree. Every effort is made by the local officials to arrange a compromise, but not always with success, especially if political agencies in the background are working not to prevent but to provoke an outbreak. The other commemorations, whether Moslem or Hindu, exhibit no mutually provocative features; but, since their dates are calculated from different calendars, they occasionally coincide, and, apart from the fact that one may chance to be a feast of rejoicing and the other an occasion of public mourning, such coincidences are bound to be dangerous. 'Rival processions are abroad in the streets; vast crowds collect; religious emotion, sometimes sensitive, sometimes provocative, is deeply stirred; the atmosphere is highly charged and the general excitement seeks an outlet.'<sup>1</sup>

A more constant irritant is provided by the traditional practice of processional music. Not only at festivals, but at every Hindu marriage, there must be a procession with a band; and, if it passes a mosque, where music is strictly forbidden, especially at one of the daily periods of prayer, Moslem feeling is quickly inflamed. For Government to forbid such music would be regarded by Hindus as an intolerable violation of their rights, and at times of tension, therefore, British officials must do their utmost to obtain agreement between communal representatives as to the route a procession should take and the points at which the music should be stopped or muted. But the mood of the disputants has often been provocative rather than conciliatory, and whether by music or by other means it is tragically easy to provoke a riot in the poorer quarters of an Indian town.

Riots, however, are only a symptom. What are the basic causes of the feud? It is not a conflict of race. In the North-West, it is true, many Indian Moslems are descended from the Arabs, Afghans and Turks who invaded India centuries ago, but elsewhere the vast majority are of native Indian origin, the progeny of those Indians who were converted to their conquerors' faith. There is, however, a certain physical difference. Since the Moslem domination began earlier and lasted longer in the North and never extended southwards much beyond the River Kaveri, the mass of the

<sup>1</sup> *Ibid.*

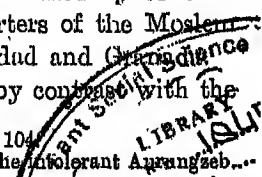
Moslems are northerners. Eighty per cent. of them are in the Punjab, Sind, the United Provinces and Bengal: there are only  $4\frac{1}{2}$  millions in Bombay and  $8\frac{1}{2}$  millions in Madras. Physically, therefore, the average Indian Moslem is more of the northern type than the average Hindu. But the main distinction is not physical, but cultural. It is the outcome of two sharply contrasted religions, and of the social systems, the ways of life and thought, they have inspired. Hinduism has its primeval roots in a land of rivers and forests, Islam in the desert. Hindus worship many Gods, Moslems only one: the temple, with its luxuriance of sculptured effigies, confronts the mosque, declaring by its bare simplicity that idolatry is sin. Hinduism maintains a rigid caste-system: Islam proclaims the equal brotherhood of all believers. The classical language of Hindus is Sanskrit, of Moslems Arabic and Persian: the distinctive daily speech of the one is the Hindi, of the other the Urdu variant of Hindustani. The contrast lends itself to a wealth of illustration; but perhaps its most striking feature is the fact that, though Hindus and Moslems live side by side all over India, often in the same small village, and though happily in normal times they are good enough neighbours, yet the natural ties of kinship are completely lacking, since both the Koran and the Hindu laws of caste prohibit intermarriage; nor may an orthodox Hindu share his table with a Moslem. It would be easy, no doubt, to overdraw the contrast in ways of life. India has imposed a certain community of living on all her children, and a stranger to the country, seeing Hindus and Moslems together, in society or professional life, at work or at play, might find it difficult to distinguish them. Yet, under the surface, the gulf remains. The present President of the Central Assembly, Sir Abdur Rahim, once complained that, whereas Indian Moslems felt quite at home in the Moslem countries of Asia, 'in India we find ourselves in all social matters total aliens when we cross the street and enter that part of the town where our Hindu fellow-townsmen live'.<sup>1</sup>

History has intensified the sense of difference; for the Moslems remember that they were once the conquering and ruling people and the Hindus their subjects, paying the *jizya* or tax exacted from all non-Moslems.<sup>2</sup> There had been great chapters in the annals of India long before the rise of Islam; but in Moslem eyes the glories of the Maurya or the Gupta Empire had been eclipsed by that of the Moguls. Never had India been so powerful and prosperous, so well-governed, or so famous throughout the world as in the days of Akbar. While, moreover, Hinduism was confined to the land of its origin, Islam stretched far beyond the bounds of India across the Middle East to the Mediterranean and along its southern shore to the Atlantic; and Moslem civilisation in India had been enriched by scholars and artists coming to the Mogul court from other quarters of the Moslem world and by the cultural traditions of Cairo and Baghdad and Constantinople.

The splendour of that age seemed all the brighter by contrast with the

<sup>1</sup> Quoted by Sir T. Morison in *Political India* (London, 1932), 104.

<sup>2</sup> The tolerant Akbar abolished this tax, but it was revived by the intolerant Aurangzeb...



long period of decline and decay that followed it. The decline was both economic and political. Once the Moslems had been lords of the land in every sense, but with the coming of the rule of law they began to lose their grasp of it. The big estates were thinned away by extravagance and litigation, and the small man was increasingly encumbered and dispossessed of his holding by the moneylender who, since usury is banned by the Koran, was more often than not a Hindu. In all the new economic developments of the later nineteenth century, moreover, the more conservative and less educated Moslems were no match for the keen, purposeful, better organised Hindus. Still more marked was the change in the political status of the Moslems. With the collapse of the Mogul Empire and the advent of British rule they ceased to be the governing class. The ranks of the Indian army, it is true, were increasingly filled with Moslems. The north-west corner of India was the chief centre of the Moslem population, and the Moslems, therefore, with the Sikhs, regarded themselves as the wardens of India's one dangerous frontier. But all military command was now in British hands. It was the same with all the important posts in the civil administration of British India. Even in the lower ranks of public service, moreover, the Moslems soon found themselves edged out by the Hindus. Their first setback was the dropping of Persian as the official language; the next was the Mutiny, which was wrongly supposed at the time to have been mainly due to Moslem instigation; the third was the growth of higher education, the opportunities and professional rewards of which were eagerly seized by the Hindus but rejected by the Moslems, who clung to the old orthodox tradition of religious education and turned their backs on the impious new learning of the 'Franks'. Thus the Moslems failed to share in the intellectual renaissance which the acquisition of the English language, and of the knowledge of Western science and thought which it conveyed, was bringing about in Hindu India.

It was the connexion between education and government that forced the Moslems to bestir themselves. When Hindu clerks were promoted to posts in which they could give orders, when even policemen were chosen because they were good at their books, it was clearly wise for Moslems to reconsider their attitude to the new education. That was the doctrine preached by the greatest Indian Moslem of the time, Sir Syed Ahmad Khan. Defying orthodox hostility, he declared that modern learning was neither forbidden by the Koran nor dangerous to the faith it taught; and by the courage of his convictions and the strength of his personality he gradually obtained an unrivalled hold on Moslem opinion throughout India. The climax of his work was reached at the foundation in 1877 of a Moslem college, now a university, at Aligarh. That marked the turning of the tide, the end of the decline and the beginning of a recovery. But the Moslems have still to make up for lost time. The level of education in their community is not yet as high as the Hindu level, and it is significant that, since the introduction of competitive examinations held in India for

entrance to the higher civil services, a number of places have always been reserved for nomination in order to maintain a sufficient proportion of Moslems and other minority communities in the official corps.

It was this relative backwardness in education, coupled with the knowledge that they were only about one-quarter of the Indian population as a whole, that accounted for the indifference, if not antagonism, with which most Moslems watched the growth of the Indian nationalist movement. Nationalism feeds on memories, but the memories of Moslems were more concerned with Islam than with India: they did not share their Hindu fellow-countrymen's pride in a record of civilisation stretching far into the past; and not among Moslems only the birth of a new political self-consciousness tended to revive and strengthen the old communal loyalties as much as to inspire a new devotion to India as the motherland of them all. Political agitation, moreover, was concentrated, as has been seen, on the demand for representative government of the British kind, and that, as Sir Syed Ahmad warned his fellow-Moslems, meant 'majority rule', with the Hindus in the greater part of India always in power and the Moslems never. It is not surprising, therefore, that the Congress, despite its national title and appeal, proved to be a predominantly Hindu body. Of the seventy-two delegates who came to the first session, only two were Moslems. At the second session, held in the North, there were only thirty-three Moslems out of 440. The Moslem fraction presently increased; there were 156 Moslems out of 702 in 1890; but the constitutional advance of 1892, despite its author's denial that it led towards a parliamentary system, revived Moslem anxieties, and, though Indian Moslems in India are at least as free-spirited and militant as Hindus, it is significant that the violent 'extremism' of the first decade of the twentieth century was exclusively a Hindu movement. On the other hand, the growing influence of the Congress and the attention paid to it by Government were a lesson Moslems could not miss. Once more, it seemed, they were in danger of being left behind. The knowledge that a new instalment of 'Reforms' was under consideration spurred them to action, and, since most of their leaders were unwilling to make common cause with the Congress, a separate political organisation for Indian Moslems was created—the All-India Moslem League. Its first conference was held in December, 1906.

The Moslem leaders were faced by the fact that, since the Act of 1892, not only the principle of representation but also in practice the principle of election had been established in the constitution of the Provincial legislatures; and they realised that the forthcoming advance was likely to

<sup>1</sup> In a dispatch of October 1, 1908, Lord Minto's Government, after referring to the statement of its predecessor in 1892 quoted on p. 24 above, remarked: 'The advance in general education that has taken place since 1892 has added to the complexity of the problem by bringing to the front classes which were then backward and by making them more keenly conscious of their individual interests and more disposed to claim separate representation by means of special electorates.' Cmd. 4426, 1908, 2.

confirm and extend the elective principle. To meet that situation they had two clear points of policy. First, in all elections, whether for the Legislative Councils or for local bodies, the Moslems must be separately represented and their representatives separately elected by purely Moslem electors. Second, the extent of the Moslem community's representation must be 'commensurate not merely with their numerical strength, but also with their political importance and the value of the contribution which they make to the defence of the Empire'.<sup>1</sup> These were the main points of the Moslem case which was submitted to Lord Minto, shortly before the first meeting of the League, by a Moslem deputation, headed by its president, the Aga Khan. The Viceroy's response was wholly sympathetic. He did not commit himself to any particular method of election, but 'I am as firmly convinced', he said, 'as I believe you to be that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent'.<sup>2</sup> The Secretary of State concurred; he tentatively suggested a scheme for a joint electoral college, but he did not press it; and in due course the Moslems found their two demands conceded in the Act of 1909 and the regulations made under it. The Moslems were given what was later to be known as 'weightage', i.e. more seats than they were entitled to by numbers only, and, while voting also in 'general' constituencies side by side with Hindus, they were to vote for their own members in separate and wholly Moslem constituencies. That their anxieties were not wholly allayed, however, was shown by their objection to the appointment to the Viceroy's Executive Council of a single Indian, who was naturally a Hindu. But on this point their protests were overruled. The issue did not arise on the appointment of Indians to the Secretary of State's Council, since there were two of them and one was a Moslem.

The creation of communal electorates was a flagrant breach of democratic principle, as Morley was well aware; but there was force in the argument stressed by the Moslem leaders that, in the present state of Indian feeling, to make Moslem seats dependent on Hindu votes, so far from tending to make both communities conscious of a common citizenship, would embitter the existing antagonism and convert every election into a dangerous battleground. Nor, as they pointed out, would the mere 'reservation' of seats for Moslems secure their faithful representation unless only Moslems voted for them, since the Hindu votes would go to the candidate who identified himself least wholeheartedly with the interests of his own community. It was a strong case, and the weight of Moslem opinion behind it could not be ignored. Nor, after all, was Morley doing violence to his democratic conscience. His ideas of Indian government, as has been seen, had nothing to do with democracy.

<sup>1</sup> Moslem Deputation to Lord Minto, October 1906: *Indian Statutory Commission*, iv, 180-1.

<sup>2</sup> *Ibid.*, iv, 182.

The attitude of the Hindu nationalists—and there were some, though not at this time many, Moslems who supported the Congress—was naturally quite different. At the session of 1910 the Congress, 'while recognising the necessity of providing a fair and adequate representation in the Legislative Councils for the Muhammadan and other communities where they are in a minority', condemned the method of separate electorates and demanded the removal of 'anomalous restrictions between different sections of His Majesty's subjects in the matter of the franchise'.<sup>1</sup> It would be illogical to criticise this attitude. The Hindus, after all, were the great majority—at least two-thirds—of the Indian people, and their traditions went back to the dawn of Indian history. If India were to be governed by counting votes, they could scarcely be expected to surrender the rights their numbers gave them. More questionable was the growing tendency to minimise the gravity of Hindu-Moslem schism, and to assert that it was largely due to British rule and would cease to be a serious matter if India were allowed to govern herself. It was often pointed out that Hindu-Moslem disorders rarely, if ever, occurred in the Indian States; and the British Government was even charged with deliberately trying to maintain and deepen the feud on the principle of *divide et impera*. 'This quarrel is not old,' said Mr. Gandhi at the Round Table Conference in 1931: '. . . I dare to say it is co-eval with the British advent.'<sup>2</sup> He could scarcely have intended those words to bear their full meaning, but there was half a truth in them. For the open exhibition of the quarrel, the throwing-off of all restraint, the rioting and fighting—none of this was possible under Mogul rule. Akbar set Hindus on a formal equality with Moslems, but the Hindus would no more have dared in his day than in Aurungzeb's to assert their communal rights or in any way to challenge or provoke the feelings of their rulers. For several reasons the position has been very different under British rule. The Government, to begin with, has been neither Hindu nor Moslem: the expression of communal loyalty, therefore, has not been in itself a defiance of authority, but only when it has led to a breach of the peace. The British rule of law, moreover, coupled with a policy of freedom for all creeds, has given the communities a sense of security and self-confidence which no Indian autocracy could give them. Finally, it is the gradual introduction of the British form of self-government—and this is what differentiates British India most markedly from the Indian States—that has steadily intensified the conflict; for, once majority rule was in sight, it became a struggle for power. And, since this conflict has been the cause of British hesitation in the past to advance India along the road to freedom, and since it is the cause of the present halt when the goal is almost within reach, it is also the cause of the continuance of British rule. But Britain did not light the fire, nor has she been doing the devil's work of stoking it. Mr. Muhammad

<sup>1</sup> Congress in Evolution, 118.

<sup>2</sup> Indian Round Table Conference, Second Session (1931), 398.



Ali, who with his brother led the Caliphate Movement in 1921, was no friend or apologist of British rule in India, but the judgment he passed on the Hindu-Moslem schism at the Round Table Conference was less misleading than Mr. Gandhi's. 'It is the old maxim of "divide and rule",' he said. 'But there is a division of labour here. *We divide and you rule.*'<sup>1</sup>

<sup>1</sup> *Indian Round Table Conference, First Session (1930-1)*, 102. In her *India, Minto and Morley* (London, 1934, p. 47) Lady Minto quotes a letter she received from an official describing the Viceroy's response to the Moslem deputation (p. 34, above) as 'nothing less than the pulling back of sixty-two millions of people from joining the ranks of the seditious opposition'. It may well be true that many Moslems, if their claim for separate electorates had been rejected, might have joined the Hindu extremists in attacking the Government; but there is no evidence to suggest that the deputation was in any sense engineered. It was actually organised by the well-known Moslem leader, Nawab Muhsin-ul-Mulk, shortly before he died. Nor was the Moslem opposition to an unqualified representative system on the British model a novelty in 1908. As early as 1883, Syed Ahmad, speaking on Lord Ripon's introduction of elections to local bodies, declared that 'election pure and simple' was quite unsuited to diversified India where 'the rigour of religious institutions has kept even neighbours apart'. (An extract from his speech will be found in Appendix II, p. 164 below.)

## CHAPTER IV

### THE COLONIAL MODEL

MR. GOKHALE can never have imagined that Hindu-Moslem antagonism came to India with British rule and would disappear on its departure, and he was well aware that none of the British Colonies suffered from so deep a schism of society. Nevertheless he continued to urge that the constitutional development of India should follow the colonial model. 'The goal of the Congress', he declared in his presidential address at the Session of 1905, 'is that India should be governed in the interests of the Indians themselves, and that in course of time a form of government should be attained in this country similar to what exists in the self-governing Colonies of the British Empire.'<sup>1</sup> 'This Congress is of opinion', ran a resolution of the Session of 1906, 'that the system of government obtaining in the self-governing British Colonies should be extended to India.'<sup>2</sup> In 1908 the Congress adopted a new constitution, the first article of which—an article to which every member of the Congress had to subscribe—was as follows:

The objects of the Indian National Congress are the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire and a participation by them in the rights and responsibilities of the Empire on equal terms with those members. These objects are to be achieved by constitutional means by bringing about a steady reform of the existing system of administration and by promoting national unity, fostering public spirit and developing and organising the intellectual, moral, economic and industrial resources of the country.<sup>3</sup>

At the same Session the Morley-Minto scheme was declared to have been welcomed throughout India with 'deep and general satisfaction'.<sup>4</sup> Clearly, then, Indian nationalists did not share Morley's opinion that the advance made in 1909 was not in the direction of a parliamentary system, since in every self-governing British Colony precisely that system had been established. The event has proved them right and Morley wrong: subsequent advances have brought them nearer and nearer to their goal. It may help, therefore, to clarify the story if a brief account be given at this point of the nature and growth of British colonial self-government.

It has been a faithful reproduction of English self-government. It developed far more quickly than its prototype because the track had already been laid down and tested by experience; but, except in so far

<sup>1</sup> *Speeches* (2nd ed., Madras, 1916), 829.

<sup>2</sup> *Ibid.*, 208.

<sup>3</sup> *Congress in Evolution*, 11.

<sup>4</sup> *Ibid.*, 11-12.

as the size and character of the Canadian and Australian groups of colonies led to the adoption of federal instead of unitary forms of government, the track was the same and progress along it was achieved by the same stages. In England the process began with the beginning of representative government when Parliament was first summoned in the thirteenth century. For four centuries, though sovereigns were often 'responsive' to Parliament's wishes, the executive government was still controlled not by Parliament but by the sovereign, and it was not till after the Civil War and the Revolution of 1688 that the principle of responsible government was gradually established, namely that the executive ministers must be held responsible not to the Crown but to Parliament, more especially the House of Commons, and through it to the electorate. In the course of the next two centuries this principle was more and more fully affirmed in practice till the government of the United Kingdom became the complete parliamentary or cabinet government of to-day. Though this development has been logical and consistent in itself, it has not been directed by any preconceived theoretical design nor embodied in any coherent series of written laws; it has been mainly a process of adapting customs and conventions to the growth of political capacity and experience, a long slow advance 'from precedent to precedent'.

In the Colonies the first stage of this process was attained almost at once and almost automatically. The first English settlers in America had carried with them overseas the Englishman's traditional right to a voice in framing the laws he lived under, especially those which taxed him, and representative government by means of elected assemblies on the pattern of the House of Commons was soon established. But at that first stage the process halted as it had halted so long in England. The colonial executive remained responsible not to the colonial legislature but to the Government and Parliament at Westminster. Therein lay the chief cause of the last of the English civil wars, the war of the American Revolution. The lesson of that great catastrophe was not altogether lost on British statesmen. It is true that, when the form of government in the surviving British colonies in North America was reconsidered in 1701, little change was made in the pre-Revolution system. Representative government was re-affirmed and extended to the French-Canadians, who, before the British annexation of Canada in 1763, had lived under the pure absolutism of the Bourbon monarchy. But, though no more than this old first stage was conceded—no more indeed was thought of by the colonists themselves in those days—it was now for the first time recognised to be a stage. The colonial constitutions, it was declared, were to be gradually 'assimilated', as time went on, to the British constitution.<sup>1</sup> Fifty years later an advance to the second stage was clearly due. The inadequacy of government which was representative but not responsible was again manifest. The majorities in the legislative assemblies were confronted by executives

<sup>1</sup> P. Connolly, *The American Revolution and the British Empire* (London, 1930), chap. viii.

which they were powerless to remove; they constituted, therefore, a permanent opposition whose criticism and conduct were untempered by the knowledge that their leaders might be called on to take the place of the government they opposed. When the conflict, aggravated in the French-Canadian Province by racialism, reached in 1837 the point of armed rebellion both in that Province and in its British neighbour, it seemed as if, though the risings were ill-organised and easily suppressed, the American tragedy would sooner or later be repeated. The situation was saved by Lord Durham's mission to Canada and the adoption, after a few years' hesitation, of the advice he gave in his historic Report.

Durham's first and most famous recommendation was the concession of responsible government. In other words, he revived the doctrine of 'assimilation' and urged that the time was overdue for proceeding from the first stage of the process to the second. But the value of the Report did not lie only in its lucid exposure of the failings of purely representative government and its impressive plea for the application of the traditional British remedy. No less important was the manner in which Durham overcame the logical dilemma which seemed to inhibit the natural advance. Responsible government in a colony, it was argued, meant the disruption of the Empire, since, if the Governor acted only on the advice of ministers responsible to the colonial legislature, he could no longer be subject to instructions from the Secretary of State, and thus the constitutional tie that linked the colony with Britain would be broken. Durham met that argument by a simple but ingenious device. He divided the field of government. He pointed out that the colonists only wanted to manage their own domestic affairs. Affairs which concerned the Empire as a whole—and of these the most important were foreign policy, defence and the control of overseas trade—they would be content to leave in the hands of the British Government.

There could be no finality, of course, in this division of the field of government. It could be only a temporary or transitional arrangement, since, as the colonies grew in population, wealth and political self-confidence, they were bound to demand the extension of their powers of self-government over the whole range of politics, bound to feel that British citizens overseas must stand on the same political footing in all respects as their fellow-citizens in Britain. And this was the more inevitable when colonial politics expanded from a provincial to a national scale in accordance with the second and equally vital part of Durham's programme. The disjointed colonies of British North America, he declared, must be united 'to form a great and powerful people'. The North American colonist must acquire a 'nationality of his own'.<sup>1</sup> Misjudging the French-Canadian problem, he himself proposed to build up a national government on a unitary basis; but it was easy to undo that mistake, and in 1867 the alternative method of federation was adopted and the Provinces, linked

<sup>1</sup> *Durham Report* (Oxford, 1912), ii, 308-9, 311.

in the federal Dominion of Canada, acquired the political framework of a new Canadian nationhood.<sup>1</sup>

The national future of Canada was now assured, and with it that of the other groups of colonies in Australia, New Zealand and South Africa which were likewise united in due course under national governments. Responsible government, once conceded, could not easily be withdrawn, and its extension over the whole field of national life could only be a matter of time. One by one the subjects reserved by Durham to British control were transferred to that of the Dominions—to use the collective title which the young nations of the Commonwealth presently required. The control of overseas trade or fiscal autonomy was the first to change hands: as early indeed as 1858-9, ten years before the federation of 1867, the Province of Canada set up tariffs to protect its nascent industries from British as well as American competition. Next came defence. In 1871-2 Canada, Australia and New Zealand undertook their own local defence, and the British regular troops hitherto maintained in those Dominions were withdrawn. In South Africa, where national unity was not achieved till 1910, there were still some 4000 British troops in 1914 and two companies of British artillery in 1916. There only remained foreign policy. Though this involved the supreme issue of peace and war, the Dominions, far away from the storm-centre in Europe and preoccupied with the tasks of their own economic and social development, were for a long time content to leave its conduct in the hands of the British Government, and this despite the fact that in those days it was generally agreed that a declaration of war by the King on the advice of his British ministers involved the Dominions as belligerents.<sup>2</sup> But this last element of inequality in the scope of Dominion citizenship as compared with British could not survive the crisis of 1914-18. When the war, in which all the Dominions freely and fully shared, was over, the Dominions asserted their right to speak and act for themselves in foreign as in all other affairs, though in the closest possible co-operation with Britain and each other. They negotiated, signed and ratified the Treaty of Versailles as separate nations. They became members of the League of Nations in their own right. Thus, in fact, though not yet in administrative form or in law, the process of 'assimilation' had reached its climax.

It only remained to attest that fact and to remove those inequalities in form and law. The former object was achieved by the Declaration of 1926, jointly made by the Prime Ministers of Britain and the Dominions and the representative of the Irish Free State. It defined the 'position and mutual relation' of their 'self-governing communities' as follows:

<sup>1</sup> The creation of the Dominion of Canada has sometimes been confused with the acquisition of Dominion Status, a term which came into use after the War of 1914-18 to denote the status of all the overseas nation-members of the British Commonwealth—the Dominion of Canada, the Commonwealth of Australia, the Union of South Africa, the Dominion of New Zealand and the Irish Free State (later known as Eire).

<sup>2</sup> It was also agreed that the Dominions were free to adopt the rôle of 'passive belligerency', i.e. to take no active part in the war unless they chose or the enemy compelled them.

They are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect to their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.<sup>1</sup>

The questions of form and law were briefly discussed at this Conference and more fully at those of 1929 and 1930. All administrative points were settled by the adoption of the principle that on matters concerning a Dominion the King would act on the advice of his ministers in that Dominion and that it would be unconstitutional for his ministers in the United Kingdom to tender contrary advice. In other words, the union of the British Commonwealth in 'a common allegiance to the Crown' meant that the King was now the head of a number of separate, though co-operating, Governments. As the visit of King George VI to Canada in 1939 plainly showed, he is King in Canada in the same sense as he is King in Britain. It follows that in all that concerns one Dominion only—the negotiation, for example, of a treaty with a foreign state of purely local significance or the appointment of a Governor-General—His Majesty's Government in a Dominion acts as freely and independently as His Majesty's Government in the United Kingdom. As regards matters of common interest to all the Commonwealth or to more than one member of it—such as foreign policy, the conclusion of more general treaties, defence—it was agreed that all the Governments should inform and consult and co-operate with each other to the fullest possible extent.

The legal position was adjusted by the Statute of Westminster, 1931. The object of that Act was not, as is sometimes loosely thought, to provide the British Empire with a constitution, but only to equalise the status of the Dominion Parliaments as far as possible with that of the British Parliament. Its main provisions were: (1) that no British legislation should have force in a Dominion except at its request and with its consent; (2) that no Dominion law should be liable, as heretofore, to be deemed invalid because it was 'repugnant' to such legislation or any other British laws; and (3) that Dominion laws, like British, should operate extraterritorially. It was also declared in the preamble of the Statute that laws affecting the succession to the throne or the royal style and titles should require the assent of all the Parliaments.

'Dominion Status' was thus defined and legalised between 1926 and 1931. Subsequent events have shown that it is not interpreted in quite the same way by all the nations of the Commonwealth. On one aspect of it, the complete and equal measure of self-government it confers, all are agreed. It is on the other aspect, the common allegiance of all the nations to the Crown and their free association in the Commonwealth, that some difference of opinion has emerged—a natural difference since on one side are those nations which, being mainly the outcome of British

<sup>1</sup> *Proceedings of Imperial Conference, 1926* (Cmd. 2768). This and other documents are conveniently reprinted in A. B. Keith, *Speeches and Documents on the British Dominions, 1918-31*.

colonisation, have grown, so to speak, into the Commonwealth, and on the other side those nations which have been brought into it by conquest.

Thus in Canada, Australia and New Zealand no question has been raised as to allegiance to the Crown; but in South Africa, most of whose white population is of Dutch descent and two of whose four provinces were converted into British colonies by force of arms, a minority has continued to cherish the republican ideal. The majority, however, accepted the position of its Government as one of His Majesty's Governments, and contented itself with the passing of the Status Act in 1934, which declared that the Union was 'a sovereign independent State' and its parliament 'a sovereign legislative body' whose specific act would be required to secure assent to the application of future British legislation to South Africa. The Irish Free State, nursing older and darker memories, went further. In 1937 a new constitution was adopted for Eire—as Southern Ireland was now to be called—which was republican in form, since it contained no mention of the King. The office of Governor-General, moreover, was converted into that of the President of Eire, who was appointed without reference to the King. At the same time, it was understood that Eire remained a member of the British Commonwealth and that the King acted as head thereof on the advice of its associated Governments.

Of greater practical importance was the question of free association. Did it mean that the nations of the Commonwealth were free to disassociate? Most students of the new system were inclined to hold that the question was not one of law or right and could be left to be settled by events. The outbreak of war in 1939 was such an event, and it was at once generally agreed that, whatever international law might be, the Dominions could not be regarded as taking part in the war until they had freely decided whether or not they should do so. The Canadian, Australian and New Zealand Parliaments decided to fight, in each case unanimously; and in accordance with their ministers' advice those Dominions were duly declared in the King's name to be at war with Germany.<sup>1</sup> In South Africa General Hertzog's Government was in favour of a declaration of neutrality, but was defeated on that issue in Parliament and superseded by a Government led by General Smuts which, supported by a parliamentary majority, followed the other Dominions' lead into war. But again the Southern Irish were out of harmony with the rest of the Commonwealth. Mr. de Valera's Government adopted, with little opposition, a policy of neutrality; and, though this gravely weakened the defence of Britain, the British Government acquiesced in it. Whether neutrality in these circumstances is compatible with 'association' in any useful sense of the word can await discussion till the war is over. For present purposes it is enough to point out that on a supreme issue of foreign policy Eire made

<sup>1</sup> In Australia and New Zealand Parliament confirmed the declaration which had been made by the Government as soon as it was known that the United Kingdom was at war. In Canada the Government waited for Parliament's approval, so that the declaration was not made till September 10.

her own choice without constraint from Britain or other members of the Commonwealth.

One closing comment on Dominion Status is required to correct a common mistake. Dominion Status in principle has nothing to do with the form or type of internal constitution in a Dominion. It is only concerned with the external position. It is a matter, so to speak, of the 'international' relations between the nations of the Commonwealth. It fixes that relationship as one of equality. It may be hard to imagine the Commonwealth as anything but an association of States under parliamentary government; but Dominion Status does not require a Dominion's internal constitution to be parliamentary. A Dominion might enjoy Dominion Status under any domestic *régime*, provided (1) that it maintained allegiance to the Crown, (2) that it contained no element of subordination to any other member of the Commonwealth, and (3) that it accepted free association with the other members.<sup>1</sup>

<sup>1</sup> Most of this paragraph formed part of a letter which was published in *The Times* on February 20, 1936.



## CHAPTER V

### THE MONTAGU-CHEILMSFORD REFORMS

#### I. DEVELOPMENTS IN INDIA, 1900-16

MR. GOKHALE and his fellow-nationalists had warmly welcomed the constitution of 1909. In the teeth of Morley's disclaimer they had regarded it as a definite step forward along the colonial path to parliamentary self-government. And so, whatever Morley thought, it was. For it established the principle of representative government in the Provinces and introduced a substantial measure of its practice. Not only would Provincial legislation now normally require the assent of non-official majorities in the Councils: in all Provincial matters they could now discuss administration, including the Government's financial proposals. But there were serious limitations. Since the ultimate responsibility for the good government of India was still vested in the British Parliament, which meant, as has been explained,<sup>1</sup> the maintenance by the Central Government of a wide measure of control over the Provincial Governments, the Councils' field of action, both in administrative and legislative matters, was still severely circumscribed, and the constant necessity of having to refer to the Centre and accept its decisions tended to give their proceedings an air of unreality. Moreover, though the politicians were now free to criticise the executive, they could not control it. They had more influence on government than perhaps they realised. The officials, still mostly British, were rightly anxious to secure as much sympathy and co-operation as possible from the Councils, and on that account they often took action under the pressure of majority resolutions which they would not otherwise have taken. But 'often' is not 'always', and 'influence is not government'. In these circumstances the Indian members of the Councils, and not only the elected members but to some extent the nominated members also, began to assume the rôle of a regular Opposition. Yet it was a sterile opposition. To carry a resolution against the Government might be hailed as 'a great moral victory', but it was not a real one; for the Government was not obliged to bow to it.

If the general result was a sense of frustration, that is not to say that the constitution of 1909 was a failure. Some advance had been necessary, and it had made it. It worked without any serious hitch for ten years. It provided a useful training both for politicians and for officials. It would probably have lasted longer if, impelled by events outside India rather than inside, the tide of nationalism had not risen so fast. But,

<sup>1</sup> See pp. 7-12 above.

as it was, the new Councils, overpraised perhaps at their birth, were soon being criticised and disparaged. By 1915, at any rate, Indian nationalists generally took the view that the advance of 1909 had raised hopes only to disappoint them.

One of the results of this dissatisfaction with the working of the Councils was to shift the centre of Indian political activity back to the party or communal organisations outside them. At first the Congress seemed to have been displaced or overshadowed by the Councils; but it soon recovered its old ascendancy. The speeches and resolutions at its meetings, not those in the Council chambers, were again regarded in political circles as the authentic expression of India's desire for political advance. And Congressmen, dissatisfied though they now were with the Act of 1909, still had no doubt about its principles as they had interpreted them. They were not questioning the method of advance, but only its pace. They still adhered to the colonial model. Their constitution was amended in 1911, 1912 and 1915, but the first article, to which every member of the Congress had to subscribe, still proclaimed its goal to be 'a system of government similar to that enjoyed by the self-governing members of the British Empire'.<sup>1</sup>

The three chief moves made by the Congress in this period were in accordance with that line of policy. In 1911 it expressed warm approval of a dispatch by the Government of India recommending the gradual extension of 'a larger measure of self-government' to the Provinces, which it interpreted as meaning that the Provincial Governments should be not only less controlled by the Centre but also more controlled by the Provincial Councils.<sup>2</sup> In 1913 it called for another step forward in the constitution of the Councils: there should be a non-official majority at the Centre and elected majorities in all the Provinces besides Bengal. In 1915 it declared that the time had come for the Provincial Councils to acquire 'an effective control over the acts of the Executive Government'.<sup>3</sup>

This did not mean, however, that the Congress leaders were already contemplating an advance from representative to responsible government. They knew what those terms meant. Some of them were better acquainted than most British statesmen with the Durham Report:<sup>4</sup> and Mr. Gokhale had defined the next step, 'a long and weary step, but the step will have to come', as the attainment of 'responsible administration'.<sup>5</sup> Thus, as his language shows, he and his fellow-nationalists were only asking at this stage for a fuller measure of representative government. They were not thinking of constituting governments themselves, but only of somehow controlling them. And this attitude was not surprising. The old sense of the power and prestige of the British Raj still lingered in most Indian

<sup>1</sup> *Congress in Evolution*, 208.

<sup>2</sup> *Congress in Evolution*, 14-17.

<sup>4</sup> The Report was discussed, with long quotations, by Mr. Srinivasa Sastri in a pamphlet entitled *Self-Government for India under the British Flag* (Allahabad, 1916).

<sup>5</sup> *Speeches*, 856.

<sup>3</sup> See p. 49 below.

minds, nor was any thoughtful Indian politician yet prepared to take into his own hands the management of that vast and difficult machinery. The process, moreover, of developing a parliamentary system was as yet only in its earliest stages. Representative government was still a novelty and still incomplete, and full representative government had existed in Canada for more than fifty years before it was converted into responsible government. The attitude, in fact, of the Indian politicians at this time was more like that of Pym and Eliot in seventeenth-century England than that of Baldwin and Howe in the Canada of Durham's day. It was not till 1916 that, in the new atmosphere created by the war, they proposed that they should take a hand in the government themselves, and that proposal, as will be seen, meant something much less than real responsible government.

Throughout this period of advancing claims the Congress had by no means ignored the problem of the Moslem minority. The article of the constitution which allocated the seats for the All-India Congress Committee prescribed that 'as far as possible  $\frac{1}{2}$  of the total number of representatives shall be Mahomedans'.<sup>1</sup> Another article provided: (1) that no subject could be discussed or resolution carried in the Congress if three-fourths of the Moslem or of the Hindu delegates objected, provided that they constituted not less than one-fourth of the whole assembly, and (2) that in all proposals made for the extension of Indian self-government 'the interests of minorities shall be duly safeguarded'.<sup>2</sup> On the vexed question of the method of election, however, the Congress refused to compromise. At the Session of 1918 separate electorates were again condemned.<sup>3</sup>

On this issue the Moslem leaders were equally unyielding. Separate electorates were, as has been seen, the indispensable 'safeguard' without which they would not have acquiesced in the Reforms of 1909. But their disagreement with the Congress went deeper than that. Like Morley they would have had nothing to do with those Reforms if they had been designed to lead on the colonial precedent towards a parliamentary system; yet that was precisely how the Congress, ignoring Morley's disclaimer, had interpreted them. This fundamental cleavage of opinion was soon made manifest. At a meeting of the Council of the League in 1918 the adoption of the Congress formula of colonial self-government as the constitutional objective was moved but found no seconder, and the Council adopted in its place the formula, 'the attainment under the aegis of the British Crown of a system of self-government suitable to India'—a decision which the League confirmed. The President of the Council, Mr. (afterwards Sir) Muhammad Shafi, denounced the Congress formula as inadmissible and unsound.

<sup>1</sup> Article XIII; *Congress in Evolution*, 210-11.

<sup>2</sup> Article XXVI; *ibid.*, 214.

<sup>3</sup> *Ibid.*, 18.

The political conditions, internal and external, prevailing in the British Colonies, have no analogy whatsoever with those obtaining in India; and I am in entire accord with my friend, the Honourable Mr. Jinnah, in thinking that the adoption of any course other than the one proposed by the Council would be absolutely unwise.<sup>1</sup>

Thus the old breach seemed to be widening when the outbreak of the war and the growing understanding of the issues at stake gave new strength and meaning to the idea of Indian nationhood. There had always been some Moslems in the Congress ranks, and now within the League itself a group of younger men began to urge that League and Congress should join forces to ensure that one of the results of the war should be a much larger measure of self-government for India. In the autumn of 1916, when it was known that the British authorities were also considering this question, nineteen members of the Indian Legislative Council, Hindu and Moslem, drew up an agreed plan of constitutional advance. It was discussed, amended and accepted at subsequent meetings of the Congress and the League, and at the end of the year the pact was formally ratified at Lucknow.

This agreement between the two major political organisations may be regarded as the most striking expression of Indian nationalism so far achieved within the bounds of British India. And it was only achieved by major concessions on both sides. The Congress at last conceded separate Moslem electorates. It even acquiesced in their introduction in the Punjab and the Central Provinces, where they had not hitherto existed. Seats, moreover, on the Councils were allotted to those electorates on a generous scale. In Bengal the Moslems were to obtain only three-quarters of the seats to which they would have been entitled on a purely numerical basis, and in the Punjab only nine-tenths; but in both these Provinces this was a great increase on the extent of Moslem representation under the Morley-Minto Reforms: in Bengal it was raised from 10.4 to 40 per cent, in the Punjab from 25 to 50 per cent.<sup>2</sup> And in the other Provinces the Moslems were to obtain many more seats than they had at present or would have on a population basis: in the United Provinces and Madras, for example, a 14 and 6.15 per cent Moslem population would have a 30 and 15 per cent representation. Moslem strength at the Centre was similarly increased by the allotment of one-third of the elections to the Council to separate Moslem constituencies. The Moslems, it is true, were to surrender the additional advantage they had obtained in 1909 of also voting in general electorates; but by the more conservative or communal-minded among them this may well have been regarded as no loss, since it emphasised and secured the distinction between the two communities. A final safeguard

<sup>1</sup> *Memorandum by the All-India Muslim Association, 1918*: [Cmd. 128] 1919, 124. See also *The Pioneer*, March 24, 1918.

<sup>2</sup> No seats had been reserved for Moslems in the Punjab, but five had been elected and two nominated for a Council of twenty-eight. The figures and percentages are given in *Indian Statutory Commission*, iv, 188-9.

—and, however it might work in practice, a notable departure from the pure doctrine of 'majority rule'—was provided by the application of the device adopted in the Congress constitution. No bill or resolution affecting a community should be proceeded with if three-fourths of the representatives of that community were opposed to it.

These were far more substantial concessions than the Moslems had been given by Morley and Minto to secure their acquiescence in the Reforms of 1909, and the League on its side acquiesced in the joint proposals for a further liberalisation of the Councils. The cardinal points of the Congress-League Scheme, as it was called, may be summarised as follows. (1) The Provinces should be freed as much as possible from Central control in administration and finance. (2) Four-fifths of the Central and Provincial Legislative Councils should be elected, and one-fifth nominated. (3) Not less than half the members of the Central and Provincial Governments should be elected by the elected members of their respective Legislative Councils. (4) The Governments, Central and Provincial, should be bound to act in accordance with resolutions passed by their Legislative Councils unless they were vetoed by the Governor-General or Governors in Council, and, in that event, if the resolution were passed again after an interval of not less than one year, it should in any case be put into effect. (5) The Central Legislative Council should have 'no power to interfere with the Government of India's direction of the military affairs and the foreign and political relations of India, including the declaration of war, the making of peace and the entering into treaties'. (6) The relations of the Secretary of State with the Government of India should be similar to those of the Colonial Secretary with the Government of the Dominions, and India should have an equal status with that of the Dominions in any body concerned with imperial affairs.<sup>1</sup>

This scheme was proof that the Indian politician's mind was not purely critical and unconstructive, but it had one major defect on account of which, as will be seen, it never materialised. It did nothing to remedy the inherent weakness of purely representative government. On the contrary, it aggravated it by giving the elected majorities much greater power to embarrass and obstruct their governments, without being able to remove those governments and shoulder their responsibilities themselves. Whatever the strength of their opposition, those governments, most of whose members would not be chosen by or accountable to them, would remain in charge of the whole field of administration. While, therefore, the scheme was an encouraging manifestation of Hindu-Moslem accord in the work of advancing Indian self-government, it could not be assumed that its Moslem supporters had conquered their distrust of the representative principle. On balance the real power would still be exercised not by the leaders of Hindu or Moslem majorities, but by neutral officials who, at any rate as long as India had not attained the same status as the Dominions,

<sup>1</sup> The full text of the Congress-League Scheme is given in *Congress in Evolution*, 189-93.

would still be under the ultimate control of a distant and neutral parliament. Thus, though the scheme of 1916 was a great advance on the existing position, some Moslems may still have felt about it what Morley had felt about the Act of 1909. However that may be, the agreement on the scheme was unquestionably a triumph for Indian nationalism, and the Congress accompanied its adoption of it with a plea that the British Government should declare its intention 'to confer self-government on India at an early date', and that in any reconstruction of the imperial system 'India shall be lifted from the position of a dependency to that of an equal partner in the Empire with the self-governing Dominions'.<sup>1</sup>

## II. THE ANNOUNCEMENT OF 1917

British opinion, meantime, had been affected, like Indian opinion, by the war. For the first few years after the introduction of the Morley-Minto Reforms it was taken for granted that some considerable time would elapse before another advance would be justified. Nor were British statesmen yet prepared to accept the colonial model as the guiding line of development in India. In 1912 there was an illuminating debate in the House of Lords. In a dispatch of the previous year, which had been mainly concerned with the establishment of a new capital at Delhi and with the reversal of Lord Curzon's partition of Bengal, the Central Government had declared itself in favour of gradually giving the Provinces a larger measure of self-government. This statement of policy had been welcomed not only by the Congress but also by Mr. Montagu, Under-Secretary of State for India, in a speech at Cambridge; and Lord Curzon was prompted thereby to ask if the British Government were considering a further constitutional advance. But Provincial self-government did not necessarily mean self-government by Indians; nor had the dispatch raised any doubts as to the necessity of safeguarding 'the ultimate supremacy' of the Government of India on which 'the maintenance of British rule in India depends'.<sup>2</sup> Thus interpreted, Lord Crewe, the Secretary of State, in his reply could argue that there was nothing new in the policy of devolution from the Centre. The Congress, in other words, had wrongly interpreted the dispatch. But Lord Crewe went further. He alluded to the hopes expressed by Indian politicians, without the least 'taint of disloyalty' or any 'desire to break the British connexion', of attaining in India 'something approaching the self-government enjoyed by those Colonies which have of late years received the name of Dominion'. 'I say quite frankly', he declared, 'that I see no future for India on those lines', and he denied that the policy of devolution implied that 'anything of the kind is the hope or goal of His Majesty's ministers or of the present Government of India'.<sup>3</sup>

<sup>1</sup> *Congress in Evolution*, 17-18.

<sup>2</sup> Government of India Dispatch, August 25, 1911: [Cmd. 5979], 7.

<sup>3</sup> *Hansard*, H. of L., xii (1912), 166.

Crewe's attitude, in fact, was the same as Morley's, and his pronouncement was the last of an unbroken series of pronouncements, differing only in their degrees of definiteness and vigour, which had been made about the Legislative Councils since their birth in 1861. Step by step, *Prere's darbars* had in fact drawn nearer to becoming parliaments. Yet in 1912 the notion that this process was intended or desired was rejected as firmly as it would have been in 1861. And the reason is plain. Those fifty years had not removed the difficulties in the way of a parliamentary system. To some extent, as has been seen, the growth of education had enhanced them by stimulating communal feeling. That being so, the negative aspect of British policy was natural enough. It is more surprising, perhaps, that it had no positive side. One after another, British statesmen had repudiated a particular method of advance towards a self-governing India, but none of them had suggested an alternative. If they had any conception of the direction in which the sequence of Reforms was moving, it was towards what Minto called 'constitutional autocracy'. But they seem never to have considered at what point the paradoxical process of making autocracy constitutional would stop, nor how in the end a British autocracy could be converted into an Indian one. It might almost be said that they were still 'walking in darkness', as in Macaulay's day, without seeing whither they were going. And the reason again is not far to seek. The immense increase in the scope and complexity of British administration had tended to push into the far distance, even over the horizon, the vision of an independent India. It was easier for a Hastings or a Lawrence to imagine it than for a Curzon. In India the British officials were too much preoccupied with the daily task of fulfilling their 'trust' to worry about its ultimate termination, and in England Indian policy had ceased to be a burning question. Before the meeting the renewal every twenty years of the East India Company's charter by Act of Parliament had been accompanied by much close committee-work and by well-informed debates. It might have been supposed that this parliamentary interest in India would have been augmented by Parliament's assumption of direct responsibility for its government, but in fact the result was just the opposite. Even the series of Council Acts excited little attention and less controversy, and politicians came to regard Indian affairs, like foreign affairs, as matters for expert handling, and not for party warfare. Thus debates on India were rare and ill-attended, and ministerial reluctance to look beyond the morrow was fully shared by the rank and file of both parties. Only one leading statesman ventured to draw a picture of India freed from British rule, and he was not Disraeli with all his imagination and his interest in the East, but John Bright. In 1877, near the end of his life, he urged that the peoples of the Provinces should be encouraged to regard themselves as the citizens of distinctive States.

Thus, if the time should come—and it will come . . .—when the power of England, from some cause or other, is withdrawn from India, then each

one of those States would be able to sustain itself as a compact, as a self-governing community. You would have five or six great States there, as you have five or six great States in Europe; but that would be a thousand times better than our being withdrawn from it now when there is no coherence amongst those twenty nations, and when we should find the whole country, in all probability, lapse into chaos and anarchy and into sanguinary and interminable warfare.<sup>1</sup>

It could be urged, no doubt, that a disinclination to speculate about the future is rooted in the British political mind, that British political evolution at home or overseas has never been the outcome of a preconceived design but of a series of practical steps taken to meet practical problems as they arose, and that this was pre-eminently the path of wisdom in a field so incomparably strange and complex as India. But by 1911, at any rate, it was evident that this hand-to-mouth process had some serious disadvantages. It had worked well in the Colonies because the sensible step to take at each stage was 'to follow out consistently the principles of the British constitution', and, since those principles were clearly as suited to Englishmen overseas as at home, there was no need to be over-much concerned as to the eventual outcome. Durham certainly did not foresee, still less intend, that the ultimate result of the policy he recommended in his day would be Dominion Status and the Commonwealth of Nations; but, if he had foreseen it, he would probably have welcomed it. In India, on the other hand, the result of taking successive steps without realising to what they led had been a similar approximation to the British form of government, though, since India was so different from the Colonies, that was precisely what those who took the steps desired to avoid. Nor was that the only undesirable result of a short-range policy. It was creating a gulf between the British authorities and the strongest and most vocal and insistent section of the Indian intelligentsia. For more than twenty years the Congress had stoudily pinned its faith to a course of constitutional development which was as steadily repudiated by the British Government. And, since no alternative method of advance was proposed, the growth of some distrust in the sincerity of British intentions was only to be expected. Was the real reason for Britain's refusal to give Indians the kind of self-government they desired that she did not want them to govern themselves at all?

It would be idle to speculate how this unsatisfactory situation might have developed if the first world-war had not broken out in 1914. As it was, the impact of the war on the Indian problem not only forced British statesmen to look at it, in Mr. Asquith's phrase, 'from a new angle of vision', but to take at long last a definite decision as to how it should be dealt with, and that not only on a short-range but on a long-range plan. There was more than one reason for this sudden change. India, to begin with, then as now, took her full part in the war at the side of the other

<sup>1</sup> G. M. Trevelyan, *Life of Bright* (London, 1925), 266.



peoples of the British Empire. She sent one million men to the battle-fields. Over £146 millions were voted from the revenues of British India towards the cost of the war, and the Princes and other wealthy Indians made generous gifts to the Government and to patriotic funds. Then, as now, moreover, we were fighting to defend the twofold cause of national freedom and democracy from the unprovoked assault of German militarism. On both counts some new response seemed needed to the appeals of Indian nationalists; and by 1916 the Government of India had begun to press the British Government, despite the urgent preoccupations of the war, to consider yet another advance in Indian policy. But what advance was possible along the path that had been trodden since 1861 except to cross the line, as the Colonies had crossed it, between representative and responsible government? To Mr. Montagu, at any rate, to whom the Reforms now imminent were mainly due, the logic of the situation seemed clear enough. The famous Report of 1918, for which he was more than half responsible, will be examined later in this chapter; but the following passage may be quoted here, for the substance of it must have been in Mr. Montagu's mind long before the words were put on paper.

The demand that now meets us from the educated classes of India is no more than the right and natural outcome of the work of a hundred years. . . . Unless we are right in going forward now the whole of our past policy in India has been a mistake. We believe, however, that no other policy was either right or possible, and therefore we must now face its logical consequences. Indians must be enabled in so far as they attain responsibility to determine for themselves what they want done.<sup>1</sup>

At the end of 1910, as it happened, the concordat between the Congress and the League at once enhanced the strength of Indian nationalism and weakened the force of the chief obstacle to the kind of advance its leaders wanted. Just at that time Mr. Lloyd George succeeded Mr. Asquith as Prime Minister, and it was his powerful War Cabinet, with such 'elder statesmen' as Lord Curzon, Lord Milner and Mr. Balfour in its ranks, that approved and issued the historic announcement of August 20, 1917. It was communicated to the House of Commons by Mr. Montagu, now Secretary of State for India; its more important passages were as follows:

The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire. . . . I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of

<sup>1</sup> *M.-C. Report* [C.A.9109], § 179.

service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.<sup>1</sup>

It will be observed that there was no novelty in the first part of the twofold policy set out in this Announcement. The appointment of Indians to official posts had been foreshadowed as long ago as 1833;<sup>2</sup> and, if far too little had been done to make the intention good in all the intervening period, a long step forward, which will be recorded on a later page,<sup>3</sup> was taken in the course of the next few years. The novelty of the Announcement lay in the second part of it; for this was, in the first place, the first time that the goal of British policy had been officially defined—for Macaulay's hopes had been too vague to be called a definition—and in the second place the proposed method of attaining it was precisely the method which had been so persistently rejected in the past.

Read with no knowledge of constitutional history in Britain or in the Colonies, the words 'responsible government' are indefinite and can be variously construed, and it was disclosed after his death by his biographer that Lord Curzon had himself inserted the words in the draft of the Declaration in the belief that they had only this rather vague and loose meaning. He was greatly perturbed, it is recorded, to find that he had committed himself to the very form of government in India against which, less than ten years before, he had warned Lord Morley.<sup>4</sup> But so it was. Against the historical background, 'responsible government' could only mean that the government was responsible to the people in the familiar British way. It could not mean the kind of responsibility which an enlightened autocrat may feel towards his subjects, still less the kind of responsibility which his ministers render to their master. It could not mean government by *darbar*. Nor could it mean a system of executive responsibility which was democratic, but different from the British, such as the American system whereby the executive is responsible not to the legislature but to the electorate. For history had given the words a single and certain meaning. Responsible Government was the parliamentary or cabinet government by means of which the sovereignty of Parliament was established after the period of civil war in England. Responsible Government was the watchword of reform in Canada in Durham's day. Both meant the same thing—that the Government is responsible to the elected representatives of the people.

Thus the use of those words defined beyond dispute the method of advance. It was the colonial method, the method adopted by Mr. Gokhale before the turn of the century and still adhered to by the Congress. And the longer phrase, 'the progressive realisation of responsible government in India as an integral part of the British Empire', defined the goal as well. For it implied that some day responsible government in India was to be completely realised without breaking its connexion with the

<sup>1</sup> *Hansard*, xcvi (1917), 1695.

<sup>2</sup> See p. 20 above.

<sup>3</sup> See p. 82 below.

<sup>4</sup> Lord Ronaldshay (now Zetland), *Life of Curzon* (London, 1928), ii, chap. x.

British Empire, and that could only mean an India fully governing itself on a parliamentary basis, yet still retaining its allegiance to the British Crown. That again was in exact accord with the colonial model. Indeed that phrase, though one at least of its authors was unaware of it, was a terse and accurate description of the rise of the self-governing Colonies to Dominion Status.

### III. THE MONTAGU-CHEELMSFORD REPORT

#### i

As foretold in the Announcement of 1917, Mr. Montagu went out to India soon after it was made. He returned in the spring of 1918, and at midsummer a joint 'Report on Indian Constitutional Reforms' by him and Lord Cheelmsford, the Viceroy, was published. The first comprehensive study that had yet been made of the whole problem of Indian government, it took rank at once as a permanent contribution to the science of politics and the history of British imperialism. For the purposes of the inquiry undertaken in these pages it is of quite outstanding interest. For it was an attempt to show how the revolution in principle—and it was nothing less—proclaimed by the Announcement of 1917 could be put into practice. That Announcement had assumed that the obstacles which British statesmanship had hitherto regarded as prohibiting a parliamentary system in India could somehow or other be overcome. The primary purpose of the Report was to justify that assumption.

Its authors' task would have been easier if they could have argued that British statesmen from Macaulay's time to Morley's had imagined the obstacles to be greater than they were. But that path was barred. The facts were undeniable, and Mr. Montagu and Lord Cheelmsford did not evade them or seek to minimise their importance. But they did deny that the difficulties inherent in them were insuperable, if only Indians could be inspired by a new sense of political obligation and a new faith in the future of their country to confront them and grapple with them themselves. And this, they explained, was the fundamental purpose of the new policy. 'India's political future is not to be won merely by fine phrases . . . it depends on the capacity of the people themselves to face difficulties and dispose of them.'<sup>1</sup> And that capacity could only be fostered and enlarged by freedom. In its essence, in fact, the Report was a declaration of belief in the philosophy of liberalism. 'It is liberty alone', Gladstone had said about Ireland, 'which fits men for liberty. This proposition, like every other in politics, has its bounds; but it is far safer than the counter-doctrine, wait till they are fit.'<sup>2</sup> That creed in the last analysis was Montagu's only answer to Morley. On it the whole fabric of the new design depended. In an eloquent passage the Report declared that the policy of the Announcement, 'the most momentous

<sup>1</sup> *M.-C. Report*, § 136.

<sup>2</sup> *Morley, Life of Gladstone* (London, 1908), iii. 58.

ever made in India's chequered history', and of the measures now recommended to carry it out was not prompted by the agitation of a few politically-minded Indians, but inspired by the conviction that the only means by which India could fit herself for liberty ought no longer to be withheld. 'Our reason is the faith that is in us.'<sup>1</sup>

A brief examination of the Report will show how this cardinal doctrine was applied to all the main aspects of the problem. Thus, to begin with, the backwardness of the vast majority of the Indian people was frankly admitted. 'The immense masses of the people are poor, ignorant and helpless far beyond the standards of Europe.' Only 11 per cent. of the men in British India and only 1.1 per cent. of the women had been able at the last census to read and write a letter. Nearly eleven-twelfths of the population live in villages, wholly occupied with the cultivation of their own or others' fields, knowing and caring nothing about politics, and with little to spare for more than the necessities of life. Political interest, non-existent among the peasantry, has been slow to affect the landlord class and is thus mainly confined to the educated minority in the towns who have hitherto not been much concerned with the problems of the countryside. But, though the transfer of real power to this mainly urban and professional class might well be regarded—and was so regarded by the critics—as the introduction of an oligarchy rather than of a democracy for which the 'demos' was admittedly not yet fitted, the authors of the Report refused to 'wait till they are fit'. While stressing the obvious need of a far wider system of popular education, they did not propose to await the fruition of a process necessarily so long and costly. The villagers should be taught without delay to turn to their elected representatives for the interest in their lives and the help in bettering them which they had previously obtained from government officials. They must learn to stand on their own feet and use their votes to protect their rights. And, to that end, indirect election to the Provincial Councils must give place to direct election on as wide a franchise as might prove practicable. Nothing better illustrates the 'faith' of the Report than the answer it gives by anticipation to those who might deplore the intrusion of politics into the quiet unchanging life of India's countless villages. 'We believe profoundly . . . that the placid pathetic contentment of the masses is not the soil on which Indian nationhood will grow, and that in deliberately disturbing it we are working for her highest good.'<sup>2</sup>

The attitude of the Report to the political intelligentsia was similarly inspired by trust in the power of freedom and responsibility to bring out the best in men. It did not challenge the right to the political leadership they had already acquired in pursuit of our own ideals of self-government. On the contrary it appealed to them to hasten the full attainment of those ideals by devoting themselves to the immense task of educating their country as a whole to its new political life and especially to

<sup>1</sup> *M.-C. Report*, §§ 7, 144.

<sup>2</sup> *Ibid.*, § 144.

breaking down the social and communal barriers which obstructed its development.<sup>1</sup>

It was these barriers, more than the backwardness of the people, that had seemed for so long to set a veto on parliamentary institutions in India, and again the authors of the Report did not question their reality and strength. They drew attention to the essentially undemocratic character of the Hindu caste-system, giving as examples the exclusion of low-caste children from schools attended by those of the higher castes and the still harsher treatment of the out-castes; and, linking caste with communal antipathies, they stated in plain terms that, so long as such sectional interests were paramount, 'any form of self-government to which India can attain must be limited and unreal at best'. As to the communal question and Hindu-Moslem antagonism in particular, it was, they confessed, 'the difficulty that outweighs all others'; nor did they offer any hope that it could be easily or quickly overcome. While they welcomed the Congress-League concordat of 1916 'as testimony to the growing force of national feeling', they did not believe that it meant a real and lasting closing of the gulf.

To our minds so long as the two communities entertain anything like their present views as to the separateness of their interests, we are bound to regard religious hostilities as still a very serious possibility. The Hindus and Muhammedans of India have certainly not yet achieved unity of purpose or community of interest.<sup>2</sup>

It was the recognition of this fact that compelled Montagu and Chelmsford to acquiesce, like Morley and Minto before them, in the retention of separate Moslem electorates. They could not, of course, approve of them. They rejected the view that 'communal representation is an inevitable and even a healthy stage in the development of a non-political people'. The history of self-government, they wrote, proclaims the refusal of the State to admit any rival claims to a citizen's allegiance. To admit them now in India, they declared, was to hamper the growth of 'the citizen spirit' and to 'stereotype existing relations'.

Division by creeds and classes means the creation of political camps organised against each other, and teaches men to think as partisans and not as citizens; and it is difficult to see how the change from this system to national representation is ever to occur. The British Government is often accused of dividing men in order to govern them. But if it unnecessarily divides them at the very moment when it proposes to start them on the road to governing themselves, it will find it difficult to meet the charge of being hypocritical or short-sighted.

Yet to maintain the existing system 'until conditions alter' was a practical necessity. The Moslems regarded separate representation and communal electorates as 'their only adequate safeguards', and in 1916 they had at last obtained the acquiescence of the Congress. A scheme of advance

<sup>1</sup> *M.-C. Report*, §§ 122-51.

<sup>2</sup> *Ibid.*, §§ 151-4.

which differed on constitutional grounds from that which had emerged from the pact of 1916 might possibly succeed, but it would have no chance of securing the requisite measure of agreement and co-operation if it overrode the Congress-League decision on the communal issue. So the Report reluctantly accepted it. At the same time it refused to extend the privileges conceded to the Moslems to any other community with the one exception of the Sikhs, who, though 'a distinct and important people', were everywhere in a minority and had hitherto been 'virtually unrepresented'.<sup>1</sup>

To be forced to this concession of communal electorates was clearly the heaviest strain to which the 'faith' of the Report was subjected; and it was open to critics to point to it as virtually an admission that, whatever might be said about the other difficulties, Hindu-Moslem schism made parliamentary government as understood in England unworkable in India. Again the Report gave its answer in advance, and it could only be the same answer. But this time it took the form of a 'direct appeal to the communities, and to the castes as well, to accommodate their sectional interests to 'the greater welfare of the whole' in order to achieve the goal of Indian nationhood. 'On them all rests a great responsibility for the development of their common country, and their realization of this truth will be the surest way, perhaps the only way, of ending disunion.' Only in a united self-governing India could its people attain the full measure of civic life.

The vision is one that may well lift men up to resolve on things that seemed impossible before. Is it too much to hope that the desire of the people of India so to govern themselves and the conviction that they can never do so otherwise in any real sense may prove eventually to be the solvent of these difficulties of race and creed?<sup>2</sup>

## ii

To justify the policy of the Announcement in face of the facts of Indian life was only the first part of Mr. Montagu's and Lord Chelmsford's task. They had also to determine the 'substantial steps' to be taken in the execution of the policy. And at first that seemed an almost insoluble puzzle. How could responsible government be realised progressively? An executive must be either responsible to its legislature or not. How can the latter's power to remove it and replace it be attained by successive stages? Yet it was common ground that the advance must somehow or other be gradual, since nobody, British or Indian, supposed at that time that the whole task of government could be forthwith entrusted to Indian politicians accountable only to Indian legislatures.

To this puzzle the Congress-League Scheme of 1916 offered no solution. For it had nothing to do with responsible government. Its object was to make the executive amenable but not responsible to the legislature. Not only would the Government be deprived of all power to carry any legis-

<sup>1</sup> *M.-C. Report*, §§ 227-32.

<sup>2</sup> *Ibid.*, § 151.

lation which it might deem essential for the peace and well-being of the people; it would also be obliged, after at most a year's delay, to act at the legislature's bidding, however much it might itself condemn such action. But, although (to quote the Report) 'no government can consent to remain in office and to put into effect orders of which it disapproves', neither the Governor, nor half the members of the Government as contemplated in the scheme, could resign or be replaced to meet the wishes of the legislature since they were responsible not to it but only to the Secretary of State. It was hard to imagine how such a two-part Government could be expected to work, or how it could afford a training either for politicians or for the electorate in political responsibility. While, therefore, the Report agreed with certain other features of the scheme, such as the enlargement of the Councils and the further devolution of powers from the Centre on to the Provinces, it firmly rejected its main proposals.<sup>1</sup>

The problem of making responsible government at once real and progressive was eventually solved by dividing the field of government. The plan, in fact, recalled the device which Durham had conceived in Canada in that both were based on the practicability of political dualism.<sup>2</sup> Montagu and Chelmsford were operating at a far earlier stage of constitutional development. The Indian Provinces were not yet ready, like the Canadian in 1839, for full domestic self-government. But the principle of dual government or dyarchy, as it now came to be called, was none the less applicable. If Indian politicians and legislatures could not yet manage all the affairs of a Province, they might manage some of them, and by the experience thus gained become qualified to manage more. To carry out this idea in practice would obviously be difficult, but so, and only so, it seemed, could the realisation of responsible government be progressive. The Report accordingly recommended that certain subjects of administration in each Province should be 'transferred' to the control of 'Ministers' chosen from and responsible to the majority in the Legislative Council, and on those subjects the Governor would normally 'act on their advice'. The other subjects were to be 'reserved' to the control of the Governor and his Executive Council, whose members would still be officials and, while discussing their policy with the Legislative Council, would be responsible not to it but, as before, to the Secretary of State. To safeguard the discharge of his duties in the 'reserved' field the Governor was to be empowered to enact any bill, including a money-bill, over the head of the Legislative Council if he should 'certify' that it was essential; but all such measures would be subject to prior approval by the British Government except in a 'state of emergency', when they would be subject only to subsequent disallowance.

<sup>1</sup> *M.-O. Report*, §§ 167-77. For a full discussion of the constitutional principles involved, see L. Curtis, *Letters to the People of India on Responsible Government*, reprinted in *Dyarchy* (Oxford, 1920), part vii.

<sup>2</sup> See p. 39 above. Durham's dualism was never imposed by law; it operated by usage and convention.

At the end of ten years a Commission should be appointed, with direct authority from Parliament, to examine the working of the system and to advise as to whether the time had come for complete responsible government in any Province or Provinces or whether some subjects now 'reserved' should be 'transferred' or, if matters had gone badly, the reverse. Similar inquiries should be made thereafter at intervals of twelve years.<sup>1</sup>

So much for the Provinces, but the 'substantial steps' proposed by the Report were not confined to the Provincial field. None of its features, indeed, is more striking than its acceptance of the ultimate implications of the Announcement. It refers again and again to the need of developing a real consciousness of Indian nationhood as the first condition of national self-government. Just as Durham accompanied his plea for responsible government in the Canadian Provinces with a vision of the future nation of Canada, so Montagu and Chelmsford pointed to the goal of Indian nationhood, not only as an end in itself, but as the means of overcoming the dissensions which obstructed the path of political advance. They met the familiar assertion that India can never be a nation but only a congeries of nations by referring, in the language of the Islington Commission, to 'that growing body of western educated opinion which is gradually creating a new atmosphere all over India' and 'that new sense of unity which is displacing the idea of ordained separation hitherto prevalent in Indian society'. And, though it might well seem dangerous to do anything that might weaken the strength and stability of the Central Government at the same time as the very nature of the Provincial Governments was being, in part at least, transformed, Mr. Montagu and Lord Chelmsford decided that the nascent consciousness of national unity must be given some constitutional expression on a national scale. It seemed clearly premature to introduce responsible government at the Centre until it had been tried and tested in the Provinces, but they boldly recommended the concession of a wide measure of representative government. They proposed that the Central Legislative Council, which in 1918 was still only a relatively small body of 67, of whom 85 were officials, 5 nominated non-officials, and 27 elected members, should be replaced by a full-dress legislature of two houses, the Council of State and the Indian Legislative Assembly, in both of which the great majority of members would be elected. This was not only a long step in itself; it was a clear intimation that the line of advance at the Centre would presently correspond with that in the Provinces since, as had been shown by events not only in the Colonies but also and more recently in India, representative government was bound in course of time to create an unsatisfactory, if not intolerable, situation which could only be remedied by making government responsible as well as representative.

There was a further implication in the Announcement. British India is not all India; and no prophet of Indian nationhood could omit the

<sup>1</sup> *M.-C. Report*, §§ 218-21, 261.



States from his picture. Yet the insertion of them was a difficult and delicate business. For, in the first place, the democratic doctrine which so deeply coloured the Report's conception of the future of British India was out of harmony with the old traditions and the existing conditions of the States. In none of them, as has been seen, had representative government reached the stage which the Provinces had reached in 1900; in none was there any responsible government at all. Secondly, the national self-government, foreshadowed in the Announcement and foreseen more clearly in the Report, could not be established merely by agreement between the representatives of the British people and the people of British India. It would require the assent of the Indian Princes. And it was as obvious in 1918 as it is to-day that the Princes must needs hesitate to surrender their existing status and commit themselves to taking part in an all-Indian system of government inspired by democratic principles and in large measure controlled by radical-minded politicians in British India.

On the first point the Report was more candid than some, at least, of the Princes may have relished. It did not, of course, suggest that the old-fashioned government of the States rendered them of small account on the Indian political stage. On the contrary, the conduct of the Princes in the war—their contributions in men, money, material and personal service—had been sufficient in itself to demonstrate not only their devotion to the Crown but also 'their immense value as part of the polity of India'.<sup>1</sup> But at the same time the Princes were warned that the growth of nationalism in British India was bound to affect their position. 'Hopes and aspirations may overleap frontier lines like sparks across a street.' Sooner or later, it was intimated, all the Princes would feel constrained to take the road of constitutional advance which the more enlightened and far-seeing of them had already begun to tread. But, it was added, such changes could not be directly brought about as part of a change in British India: they could only come through 'the permeation of ideas'. Meantime, as a move towards breaking down the unnatural isolation of the States from one another and from British India, it was proposed that a council of Princes should be established at the Centre, which, though purely consultative and concerned only with the common interests of the States, would by its mere propinquity to the new Indian legislature encourage the recognition of the fact that the States had also common interests with British India.<sup>2</sup>

As to how that fact might some day be reflected in the common framework of government which the notion of Indian nationhood implied, the authors of the Report were cautious and tentative. They defined their conception of the eventual future of India as 'a sisterhood of States . . . self-governing in all matters of purely local or provincial interest' and 'presenting the external semblance of some form of federation'. Presiding over these States there would be a Central Government concerned only with their common affairs. With this Centre the Princes, while

<sup>1</sup> *M.-C. Report*, § 298.

<sup>2</sup> *Ibid.*, §§ 129, 306, 311.

retaining their domestic autonomy, might wish to be associated 'in such a way as to dedicate their [States'] peculiar qualities to the common service without loss of individuality'.<sup>1</sup>

It must be remembered, finally, that the Announcement, though it implied the evolution of a fully self-governing India, assumed that the process would never entail the dissolution of her imperial partnership. The observations in the Report on this point could not have been bettered and deserve quotation in full.

Further we have every reason to hope that as the result of this process, India's connexion with the Empire will be confirmed by the wishes of her people.\* The experience of a century of experiments within the Empire goes all in one direction. As power is given to the people of a province or of a Dominion to manage their own local affairs, their attachment becomes the stronger to the Empire which comprehends them all in a common bond of union. The existence of national feeling, or the love of and pride in a national culture need not conflict with, and may indeed strengthen, the sense of membership in a wider commonwealth. The obstacles to a growth in India of this sense of partnership in the Empire are obvious enough. Differences of race, religion, past history, and civilisation have to be overcome. But the Empire, which includes the French of Canada and the Dutch of South Africa—to go no further—cannot in any ease be based on ties of race alone. It must depend on a common realisation of the ends for which the Empire exists, the maintenance of peace and order over wide spaces of territory, the maintenance of freedom and the development of the culture of each national entity of which the Empire is composed. These are aims which appeal to the imagination of India, and in proportion as self-government develops patriotism in India we may hope to see the growth of a conscious feeling of organic unity with the Empire as a whole.<sup>2</sup>

#### IV. THE ACT OF 1919

The recommendations of the Joint Report were incorporated in a Bill which, after full consideration by a joint committee of the Lords and Commons, was passed into law in 1919.

In the Preamble to the Act the main purport of the Announcement of 1917 was re-affirmed in slightly different language. Thus the policy of the Announcement had been necessarily described as that of the British Government and the Government of India: it could now be termed 'the declared policy of Parliament'. The responsibility for the execution of the policy, similarly, and for determining its method and pace was now shifted directly on to Parliament. The need for legal precision had prompted another verbal change. The Announcement had spoken of 'the progressive realisation of responsible government in India'. Since Parliament was not entitled to impose any constitutional enactments on the States, 'India' was rightly changed to 'British India'.<sup>3</sup>

<sup>1</sup> *M.-C. Report*, §§ 300, 349.

<sup>2</sup> *Ibid.*, § 180.

<sup>3</sup> As pointed out on p. 68 above, the Announcement implied that the Government aimed at the ultimate establishment of full responsible government in India as a whole. It was

The main provisions of the constitution established by the Act and the regulations made under it may be summarised as follows.

(1) Eight Provinces (Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces and Assam), and subsequently Burma also, took equal rank as Governors' Provinces with the same form of government. Seven other territories (the North-West Frontier Province and Baluchistan and the minor units of Delhi, Coorg, Ajmer-Merwara and the Andaman and Nicobar Islands) were left to the charge of Chief Commissioners as agents of the Central Government.

(2) The Provincial Legislative Councils were enlarged—in Bengal, for example, to 130 members, in Madras to 127, in Bombay to 111—and in each of them the elected members numbered not less than 70 per cent. and the official members not more than 20 per cent. At the same time the franchise was extended mainly by lowering the property qualification. The total number of Provincial voters was about 5½ millions. Separate electorates were retained for the Moslems, and the number of seats was apportioned in accordance with the Congress-League agreement of 1916. Despite the contrary recommendation of the Montagu-Chelmsford Report, communal representation was also accorded not only to the Sikhs in the Punjab but to other minorities—to Europeans in all but three Provinces, to Anglo-Indians in two, and to Indian Christians in one.

(3) To give fuller effect to the principle of Provincial self-government, devolution of authority from the Centre to the Provinces was now for the first time given a precise and legal form. The existing division of functions was not substantially altered, but it was clarified and confirmed by lists of Central and Provincial Subjects. Of the former the most important were defence, foreign affairs, relations with the Indian States, communications, customs, commerce and banking, criminal law, census and surveys, and the control of the All-India Services. A further division was made in the Provincial field for the purposes of dyarchy. Law and order (i.e. the departments of justice, jails and police), land-revenue, and in all but one Province forests, were 'reserved' to the charge of the Governor and his Executive Council, which in all save two Provinces now consisted of four members, two British and two Indian.<sup>1</sup> Other subjects, of which the most important were education, agriculture, public health and local government, were 'transferred' to the charge of the Governor acting with his ministers, who, of course, were all Indians. With regard to these 'transferred' subjects the 'powers of superintendence, direction and control',

hoped that the States might some day associate themselves with British India. In that event the Central Government of all India might be responsible to the Central Legislature. But responsible government also requires that the legislature or the stronger part of it should be responsible to the people. Since Parliament could not compel the States either to take part in the Central Government or to be represented in the Central Legislature in any particular manner, the final implications of the Announcement could only be realised with the States' consent. The Announcement was only a declaration of policy; no promise could be given that it would be executed.

<sup>1</sup> In Bihar and Orissa there were only three members, two British and one Indian, and in Burma only two, one British and one Burman.

hitherto exercised by the Government of India and the Secretary of State over the whole field of Provincial administration, were now confined to such intervention as might be necessary to ensure the due administration of Central Subjects, to determine questions arising between one Province and another, to safeguard imperial interests and determine the status of India in its inter-imperial relations, and to maintain the rights of those members of the civil services who were still to be recruited by the Secretary of State. This withdrawal of control was interpreted by a ruling given by the Speaker of the House of Commons in 1921 to mean that it was not Parliament's business to criticise the administration of the 'transferred' field.<sup>1</sup>

(4) As regards finance, the allocation of Central and Provincial subjects included sources of revenue—customs and income tax being the major Central source, and land-revenue the major Provincial source. The Provincial Governments were obliged to make fixed annual contributions to Central funds (and did so till they were relieved of them in 1928). On the other hand, they were now empowered, within certain limits, to pass measures of taxation as well as other legislation without obtaining the prior sanction of the Government of India and the Secretary of State. Loans also, which had previously been raised in India only by the Central Government, could now be raised by a Province on the security of Provincial revenues. The distribution of Provincial revenues between the 'reserved' and 'transferred' subjects, falling agreement between the two sides of the Government, was to be determined by the Governor.

(5) Though the Governor of a Province was expected normally to accept his Ministers' advice on 'transferred' subjects, he was not bound to do so, and he retained the right to veto any bill passed by the Provincial legislature or to return it for reconsideration or to reserve it for the consideration of the Central Government, and to forbid the introduction of such bills or amendments as he might 'certify' as affecting 'the safety or tranquillity' of his or another Province. If, moreover, the legislature should refuse to pass a financial or other measure required for the administration of a 'reserved' subject, the Governor might 'certify' that it was 'essential for the discharge of his responsibility for the subject', in which case it would become law if assented to by the King in Council or in 'a state of emergency' by the Governor-General; but, except in the case of 'emergency' measures which could not be delayed, any such measure had to be laid before Parliament and would thus be subject to criticism in either House. Finally, the Governor was empowered to dissolve the legislature at any time or to extend for one year its statutory life of three years.

(6) The Central Legislature consisted, as the Report had recommended,

<sup>1</sup> *Hansard*, cxxxviii (1921), 899-902, 1147-50, 1614-18. See also H. of L., xlv (1921), 377-85. Again in 1927 (H. of C., ccxxv, 544 ff.) under the Act of 1925 the Prime Minister (Mr. Chamberlain) laid it down that Parliament should not concern itself with anything in the Provincial field (all subjects in which had now been 'transferred' to the charge of Ministers) except as regards a Governor's exercise of his personal responsibilities therein.

of two chambers, but the Report's proposal that the upper chamber should be mainly nominated was set aside. In the event the first Council of State consisted of 60 members, 34 of whom were elected on a high property franchise (20 by general, 10 by Moslem, 3 by European and 1 by Sikh constituencies), 20 were officials, and 6 nominated non-officials. For the Legislative Assembly the Report had recommended indirect election by the Provincial Councils, but the Joint Select Committee had adhered to the traditional British method, and the Act prescribed direct election for both Houses. The first Assembly consisted of 145 members, of whom 104 were elected (52 by general, 30 by Moslem, 9 by European, 7 by landowners', 4 by commercial, and 2 by Sikh constituencies), 26 were officials, and 15 nominated non-officials. The property qualification for voting for election to the Assembly was put at a lower level than that for the Council of State, but it was higher than that required for the Provincial franchise. In 1934 the electorate consisted of roughly 1,416,000 persons.<sup>1</sup> The duration of the Council was to be five years, that of the Assembly three.

(7) Since dyarchy was not introduced at the Centre, the Governor-General's Executive Council would continue to be responsible only to the Secretary of State; and since the majority of the members of the legislature were now elected, provision was made for the enactment of measures in special circumstances without the normal approval of both chambers. A Bill, 'certified' by the Governor-General to be 'essential for the safety, tranquillity or interests of British India or any part thereof', would become law if it were passed by one chamber only or, failing that, by the Governor-General's sole authority, and subsequently communicated to Parliament and assented to by the King in Council. If the Governor-General considered it to be justified by 'a state of emergency', he could put such a measure in force forthwith, but it would still be subject to later disallowance in London.

When the Act came into force in 1921, another important change was made at the Centre. Since 1909 the Executive Council had consisted of six British members and one Indian. Now three Indian members were appointed out of the seven.

In February 1921 the Chamber of Princes was established by Royal Proclamation. It consisted of 108 Princes sitting in their own right and 12 elected by the rulers of 127 other States.

From this summary of the 'Montagu-Chelmsford Reforms' two cardinal points stand out. In the first place it was carefully ensured—too carefully it might seem to Indian nationalists—that, while part of the field of Indian government was passing under Indian control, the power of Parliament to fulfil the 'trust' it still held for the good administration of all the rest of the field should be unimpaired: hence the firm maintenance of the Secretary of State's ultimate control of the Central and 'reserved' subjects

<sup>1</sup> Women were given the vote for the Assembly, but they numbered less than 82,000 of the total in 1934. It was left to the Provincial legislatures to extend the Provincial franchise to women, and in the course of a few years they all did so.

through the Governor-General and the Governors and their Executive Councils. Secondly, the 'transfer' of authority in the Provinces to ministers and elected majorities in the legislatures was a genuine instalment of responsible government.

Thus, in act as in word, the revolution was effected, the repudiation of parliamentary government was itself repudiated. Most of the affairs of territories peopled by many millions, including the affairs which most closely touched their daily life and welfare, had been entrusted—in principle at least, though not yet fully in practice—to parliaments and their leading representatives therein. In the light of after events one final question may be put. In view of the admitted difficulties of working the British parliamentary system in India, why was no alternative method of self-government at least considered and discussed? Two answers have already been suggested. First, a parliamentary system was the only system of self-government hitherto practised in Britain or in the overseas Empire, and it was the natural and traditional outcome of the representative government already conceded in India. Second, a parliamentary system had been consistently proclaimed to be the goal of Indian nationalists ever since the first Congress declared itself to be 'the germ of a Native Parliament'. And, as Burke said, 'If any ask me what a free government is, I answer that for any practical purpose it is what the people think so; and that they, and not I, are the natural, lawful and competent judges of the matter'. But there is a third answer to the question why no alternative to a parliamentary system was considered at this time. In all the circumstances it was a practical necessity to give the system a trial. For British pride in it as it worked in Britain and the Dominions was notorious, and to ask Indians to accept some other system was to suggest that their political capacity was inferior to the British. Unless the parliamentary system had been tried and had failed—and it was sheer pessimism to say in 1919 that it was certain to fail—Indians would not readily be convinced that different forms of government do not necessarily imply a difference in ability to govern and that the value of any government is only to be measured by the extent to which it meets the peculiar needs, moral and material, of the community concerned.

## CHAPTER VI

### THE CONSTITUTION OF 1919 IN OPERATION

#### I. THE REVOLT OF THE CONGRESS

Two primary conditions were essential for the successful operation of the Montagu-Chelmsford Reforms. They needed, first, the wholehearted co-operation of all or at least most of the politically-minded Indians to whom their authors had made such a direct and frank appeal. Secondly, they needed time—sufficient time for the new system to get firmly rooted in the minds and habits of the people so that the 'progressive realisation of responsible government' could be carried smoothly and safely to its conclusion. In the event neither of these two needs was met.

The two questions were interlinked, for from the outset Indian co-operation was made more difficult by the difference between Indian and British opinion on the point of time. Most of those British ministers and members of Parliament who had been responsible for the Act of 1919 had no doubt at all that the process it initiated would be lengthy. Even if all went well, many years, it seemed, would pass before, as the result of periodical inquiries, all Provincial subjects were 'transferred', and more years yet before responsible government could be realised at the Centre. This belief that a long period of transition lay ahead was widely held in India also and not only by British officials. Conservative-minded Indians and members of minority groups who had never taken part in the nationalist movement were by no means anxious for too rapid a displacement of British by Indian rule; nor were the Princes yet prepared to contemplate the ultimate implications of the Announcement of 1917. But for the Congress or at least its more ardent members the pace set in 1919 seemed intolerably slow. At the Session of 1918, while it was admitted that the Montagu-Chelmsford proposals constituted 'an advance in some directions', the scheme as a whole was declared to be 'disappointing and unsatisfactory'. The Indian people, it was stoutly asserted, were already ripe for full Provincial self-government. Dyarchy in the Provinces, therefore, would be only tolerated for six years and only if it were also introduced at the Centre forthwith. To clinch the question of speed, 'a statutory guarantee should be given that full responsible government should be established in the whole of British India within a period not exceeding 15 years'.<sup>1</sup>

Before the Act of 1919 had been passed the militancy of the majority of Congressmen had been greatly sharpened. Conditions in India at that

<sup>1</sup> *Congress in Evolution*, 20-2.

time could scarcely have been more unfavourable for the launching of a new constitution. The war itself had intensified the impatience of Indian nationalists to see their country enjoying the right of self-determination on an equal footing with other countries, and in India as elsewhere it had left behind it a sense of weariness and disillusionment and discontent. To make matters worse, nearly three-sevenths of the whole population were attacked by the world-wide scourge of influenza in 1918-19 and more than six millions died of it. It was in this unhappy and restless atmosphere that Mr. Gandhi, who had now taken the lead of the nationalist movement, set on foot a campaign of passive resistance against the measures taken by the Central Government to deal with 'terrorism'. The upshot was a grave outbreak of disorder in the Punjab and its culmination in the tragedy at Amritsar. The change that had been coming over the temper and purposes of the militant nationalists was now quickened and confirmed. By 1920 the Congress had ceased to be the peaceful and law-abiding body which had welcomed the Morley-Minto reforms and not entirely repudiated the Montagu-Chelmsford scheme. It had become a revolutionary body. In 1920 it resolved that *Swaraj* or self-rule must be attained within one year by means of 'non-violent non-co-operation' with the existing government as advocated by Mr. Gandhi. In 1921 a new constitution for the Congress was adopted of which the first article read:

The object of the Indian National Congress is the attainment of *Swarajya* by the people of India by all legitimate and peaceful means.<sup>1</sup>

The definition of the goal, it will be noted, no longer alluded to participation in the British Empire, though it was not expressly ruled out; nor was self-rule now to be attained by securing, by 'constitutional' means, the reform of the existing system of government.<sup>2</sup> What the Congress meant by its new language was made clear enough by its actions. It presently decided not only to abstain from all active co-operation with the Government but to disobey the law and especially to refuse the payment of taxes—a decision which might be regarded by those who made it as 'legitimate' in a loose sense of the word, but was certainly not 'constitutional'. It followed, as a matter of course, that the Congress would have nothing to do with the Act of 1919. In the elections held in the autumn of 1920, both for the Central and for the Provincial legislatures, Congressmen took no part. Nor were they only passive. They denounced those of their fellow-countrymen who were willing to give the Act a trial as traitors to the national cause, and tried to interfere with the polling. Already, it seemed, they had made up their minds that the only constitution they would accept must be one they framed themselves.

A considerable number of Hindu nationalists, however, refused to follow Mr. Gandhi's lead into revolt. Already, at the end of 1918, a group of 'moderates' had differed so sharply from the attitude of their fellow-

<sup>1</sup> *Congress in Evolution*, 215.

<sup>2</sup> For the previous constitution, see p. 87 above.



Congressmen towards the Montagu-Chelmsford proposals that they had formed a new party, the All-India Moderate Party, later called the National Liberal Federation, which at its first conference, with Mr. Surendra Nath Banerjee in the chair, announced its 'heartly support' of the proposals. It was Hindus of this type who had done most to work the machine of representative government which had taken shape since 1861. From their ranks had been mainly drawn the nominated, the 'recommended', and finally the elected members of the Legislative Councils. They, too, had supplied most of the Indian members of the Executive Councils. With more experience behind them than most of the Congress, they had joined in its approval of the Reforms of 1909; and they were not prepared, ten years later, to abandon the whole process of development on the old 'colonial' lines, now that a new and substantial step along them was proposed. Improvements in the scheme, declared the conference, were necessary, but to condemn and reject it outright was 'ill-advised', and it invited the British Government to put the scheme into force without delay.<sup>1</sup> The breach was widened by the developments of the next few years. For, while the Congress, following Mr. Gandhi's lead, declared a non-violent war on the British Government's whole position and policy in India, the Liberals, responding to the appeal of the Montagu-Chelmsford Report, set themselves to make the most of the Act of 1919 and ensure that the next advance should be as long and come as soon as possible.

In all nationalist movements there have been 'extremists' and 'moderates', and the former have always denounced the latter for lack of patriotism. But so far the difference between the Indian Liberals and Mr. Gandhi's followers was not a difference of principle. The Liberals desired no less keenly the attainment of full self-government in India; and, if they held that this was possible within the orbit of the British Commonwealth, the Congress had not yet positively stated that *Swaraj* meant a clean cut away from the British connexion. The Liberals, in fact, only differed from the Congress in thinking that Reform was a better path to their common goal than Revolution; and they could claim that their secession from it was not an inconsistent, still less a reactionary, move since it was Mr. Gandhi, not they, who had renounced the policy which Congress had followed since its birth. One of the ablest of the Liberals, Sir C. Y. Chintamani, who served as Minister for Education in the United Provinces from 1921 to 1923, has spoken for them all in the following passage of a recently published book:<sup>2</sup>

I was a Congressman for twenty years and have been a Liberal for seventeen. In the latter period I have not once been conscious of uttering an opinion or doing an act which I had not, or would not have, uttered or done in my Congress days. . . . If Liberals to-day are not members of the Congress, they are still Congressmen in the sense in which they were, and that is enough for them.

<sup>1</sup> Resolutions of Bombay Conference, November 1 and 2, 1918.

<sup>2</sup> *Indian Politics since the Mutiny* (London, 1949), 126-7.

## II. THE WORKING OF DYARCHY

In so far as the great Hindu majority of the Indian people was concerned, it was entirely due to these Liberals that the Act of 1919 operated at all. They joined in the elections of 1920; they took office as Ministers in most of the Provincial Governments; and throughout the period of its operation (1921 to 1937) they did their best to make dyarchy work. At the outset their task was lightened by a temporary decline in the influence of the Congress in the country at large. By 1922 the non-co-operation movement had spent its force. In the spring of that year the danger of preaching civil disobedience, however non-violent, in India was grimly exhibited by the barbarous killing of twenty Indian policemen in the United Provinces, and some weeks later Mr. Gandhi was arrested and sentenced to imprisonment for six years. (He was released in 1924 on grounds of health.) In the ranks of the Congress, however, in which Mr. C. R. Das now took the lead, antagonism to the new *régime* had by no means weakened. In 1928, the majority resolved, after hot dispute, to stand at the forthcoming elections to the second Councils, not indeed with a view to working the constitution, but in order to destroy it from within. In every Province except Madras, the Swarajists, as they now called themselves, obtained a considerable number of seats on the Councils, and in two of them, Bengal and the Central Provinces, they were in sufficient force to prevent the voting of supplies, including Ministers' salaries. The Governors of those two Provinces were thus compelled to suspend dyarchy and resume control of the 'transferred' subjects. It was more than two years before this deadlock was overcome, and in the Central Provinces the constitution had to be again suspended a few years later.

Since these were the only achievements of the Congress' destructive policy, dyarchy can be said to have been given a chance. And yet it failed to realise its authors' hopes. It was not a mechanical failure. Clumsy as it was, the machine of dual government proved workable. Ministers and Executive Councillors duly performed their allotted tasks, and on the whole the relations between them were loyal and harmonious.<sup>1</sup> Nor was dyarchy a failure in administrative or legislative achievement in the 'transferred' field. Ministers showed that politicians with the aid of an efficient civil service—and the fidelity of the British civilians in the secretariats to their new masters was admitted—can sometimes make good administrators; and a

<sup>1</sup> In Madras, where the emergence of the non-Brahmin 'Justice' Party with a consistent anti-Brahmin policy involved a closer approximation than was to be found elsewhere to the two-Party system and where consequently the dyarchic principle should have had a better chance of working as its authors intended, the Governor (Lord Willingdon) decided to ignore the provisions of the Act and to treat his Executive Council and Ministers collectively as a unitary cabinet. So did Lord Lytton in Bengal and to a less thorough-going extent the same policy was adopted by Sir Harcourt Butler during the first two years of the life of the first Council in the United Provinces. But, though this policy was naturally welcomed by Indian politicians and made for greater harmony in the conduct of business, it did not in fact provide the training in ministerial responsibility which had been the main object of the Act of 1919, since it necessarily blurred the distinction between ministers who were responsible to the Council and Executive Councillors who were not.

number of valuable measures were passed into law. The system of local government, for instance, was readjusted on a broader franchise and with wider functions by the Bombay Local Boards Act, 1923, and by the Calcutta Municipal Act, 1923. The Madras Religious Endowments Act, 1926, was a bold treatment of a highly controversial question, involving old-established vested interests. Equally bold was the encouragement of industrial development by public funds and credits under the Madras State Aid to Industries Act, 1923. The Bombay Primary Education Act, 1923, extended the principle of compulsory primary education from the municipalities to the rural areas and empowered the Provincial Government to enforce compulsory primary education on a local authority which did not introduce it of its own accord. The Bihar and Orissa Village Administration Act, 1922, was an attempt to vitalise village self-government by setting up boards to deal with the common local concerns of groups of villages and by regulating the appointment and powers of *panchayats*. These are only examples: similar legislation was promoted and carried through by Ministers in all or most of the Provinces.

Where dyarchy failed was in the primary purpose which its authors intended it to serve. It did not provide a real training in responsible government.

Little progress was made, in the first place, in the political education of the electorate, more especially in the rural areas. The villagers were induced to cast a large number of votes, but they could scarcely be said to understand what that meant. This was less their fault than that of the politicians. The Liberals loyally adhered to the principles of the Montagu-Chelmsford Report, but they failed to build up a coherent and effective party. They did not possess the organisation, or the funds, or the personnel to operate in the country at large, and they tended to split up into shifting groups with various names. The other groups were mostly communal and therefore, in so far as they were parties at all, they were the kind of party whose very existence, as the reformers of 1919 had made plain, contradicted their democratic doctrine and worked against its understanding and fulfilment. The only real or powerful party was the Swarajist Party, under which name the Congress was now fighting; and the Swarajists, so far from trying to make a success of the new *régime*, were out to destroy it. Their candidates did not set themselves to teach the masses of Indian peasantry the grammar of democracy, nor did they ask them to exercise their judgment on matters directly affecting their daily lives. They preached a revolution, gilded with promises of the new age of rural prosperity which would dawn if the existing constitution were swept away and with it the last vestiges of British rule. For these reasons, except, as will be seen, in one Province, no party-system was established: there were no clean-cut electoral conflicts on issues on which the villagers were qualified to form their own opinions, no choice between rival programmes for the betterment of their lives. That being so, it is not to be wondered

at if most of the Indian voters regarded the elections either as a new-fangled piece of official routine or as a purely personal question to be decided on anything rather than real political grounds.

Too much, however, need not be made of this aspect of the situation. No one had expected the ignorant masses of countryfolk to assimilate the meaning and methods of democracy easily or quickly. The primary purpose of the Act of 1919 was to establish the principle of responsible government in the Provincial Councils, and it was primarily by the extent to which it achieved that purpose that its success or failure must be judged. An essential condition of success was the development of a party-system, and in one Province that condition was fulfilled. In Madras the non-Brahmin Hindus united in the Justice Party to challenge the old-established supremacy of the Brahmin oligarchy; and the result was a straight parliamentary conflict on domestic issues between, so to speak, a party of the Left and a party of the Right. But elsewhere the lack of organised parties or programmes other than the Swarajist was as detrimental to the working of the Councils as it was in the elections. For Ministers were not supported by steady majorities pledged to back them as their party leaders and to see their measures through. More and more, indeed, they could only get their way and keep in office with the help of the votes of their official colleagues on the 'reserved' side. Inevitably, therefore, the line of dyarchic division was blurred, and with it the fixing of responsibility. The result was something like a throwback to the Morley-Minto period. The Government came to be regarded as virtually one Government, Ministers as 'Government men' like the Indian members of the Executive Council before 1919, and the legislature itself not as the ally, and at need the master, of the Government in the 'transferred' field, but, as in the old irresponsible days, its permanent opponent. This distortion of dyarchy was aggravated by a tendency to concentrate attack on the administration of the 'reserved' field, in which, especially on grave questions of law and order, Ministers for the most part felt bound to support their official colleagues; and it was one of the many misfortunes which overshadowed the initiation of the new constitution that the post-war economic depression made it impossible for Ministers to embark on such wide schemes of social welfare as might have captured the imagination of the Councils, diverted their attention from the 'reserved' to the 'transferred' field, and won from them something more than the mixture of fluctuating support and open opposition which was all that in fact they got. The Swarajist charge that the 'nation-building' departments were deliberately starved in favour of the 'reserved' side is untrue. Expenditure, even on police, was vigorously cut down; and, even when the Provinces were relieved of their contributions to the Central Government, the money for large-scale development—in so vital a matter, for instance, as popular education—was simply not available; nor in those hard times could it be obtained by a heavy increase in taxation.

So dyarchy failed to do what it was primarily meant to do. But that is not to say that it should never have been put to the test. It had been decided to make a trial of parliamentary government, and in a limited but by no means negligible field of policy and administration dyarchy provided the opportunity for beginning that trial. That better use was not made of it was not its authors' fault.

### III. THE COMMUNAL SCHISM

More serious on a long view than the failure of the Act of 1919 to make a reality of responsible government was its failure to overcome the barriers of caste and creed. It was on that issue that the Montagu-Chelmsford Report had addressed its most earnest appeals to Indian patriotism and common sense; and it would be unfair to say that there was no response. As regards the caste-system, for example, Mr. Gandhi's persistent championship of the claims of the 'out-castes' has been one of the most notable features of his political career. Nor, of course, was any responsible politician of either faith unaware of the menace of Hindu-Moslem antagonism to the peace and political aspirations of India. Leaders of both communities were continually preaching the cause of national unity. But their efforts were unavailing. In 1928 the gulf was no narrower than it had been in 1918: it was wider.

Already in 1918 it seemed as if the concordat established two years earlier had begun to weaken. The more conservative Moslem politicians had taken no part in the co-operative effort which had produced the Congress-League Scheme, and in 1918 they formed a new All-India Muslim Association in opposition to Mr. Jinnah's party. In a memorandum drafted in November 1918, the Council of the Association charged Mr. Jinnah with breaking away from the decision taken by the Council of the League in 1918 and identifying himself with the Congress demand for 'colonial self-government'.<sup>1</sup> At the same time the memorandum warmly approved the Montagu-Chelmsford Report, asked for its early implementation, and welcomed the prospect of further periodical advances. It only differed from the Report with regard to its condemnation of the principle of separate electorates and to the extent of the Moslem representation it contemplated in the various elected bodies. The memorandum seems, therefore, to betray a certain confusion of thought. The definition of the ultimate objective as 'colonial self-government' had been repudiated only because it seemed to imply a parliamentary system. Yet the whole basis of the Report was its acceptance of parliamentary government in accordance with the Announcement of 1917.<sup>2</sup>

If Moslem opinion in India had not been affected by events elsewhere, it seems probable that this anti-Congress move on the Moslem Right would have gathered strength when Mr. Gandhi raised the standard of revolt in 1919-20. For the great body of Moslems had so far held strictly aloof from

<sup>1</sup> See pp. 46-7 above.

<sup>2</sup> *Memorandum by the All-India Muslim Association, 1918: [Cmd. 123] 1919, pp. 123-7.*

'extremist' agitation. But one of the results of the war, as it happened, was the creation of 'such an opportunity', as Mr. Gandhi put it, 'of uniting Hindus and Muhammadans as would not arise in a hundred years'.<sup>1</sup> The entry of the Turkish Empire into the war on the German side had been an awkward matter for the British and Indian Governments, since the Sultan of Turkey was the Caliph or supreme head of the Moslem world. Indian Moslems, however, had fought bravely against the Turks, and it was not till Turkey had been defeated and rumours of the severity of the peace terms to be imposed on her had begun to spread that an anti-British group, headed by the brothers Muhammad and Shaukat Ali, succeeded in rousing a formidable agitation among Indian Moslems. In that troubled winter of 1919-20 the cry was raised that 'Islam was in danger' and that, unless the Turkish Empire was restored to all its pre-war power, Britain would stand condemned as Islam's arch-enemy. With this so-called 'Caliphate Movement' Mr. Gandhi decided to make common cause, and, despite some hesitation in Hindu circles, he carried the Congress with him. It was in the first instance to right the 'Caliphate wrong' that the non-co-operation campaign of 1920 was launched, and for many months Congressmen and Moslems worked side by side, if not for a common constructive policy of Indian advance, at least in a common antagonism to British rule. While, however, this alliance was still in force, a blow was struck at it by an outbreak of ferocious violence among the Moplahs, a fanatical Moslem peasant-folk in south-west India. In the summer of 1921, inflamed by the Caliphate agitation, they rose not only against the Government but against their Hindu neighbours. Wholesale murder and forcible conversion recalled a time that was now almost forgotten; and it was only after much bloodshed and destruction that the rising was suppressed. It was left to the Turks, however, to disrupt the Hindu-Moslem alliance. The rise of Ataturk, the victory over Greece, the new Treaty of Lausanne, and the establishment of a strong, self-confident and secular Turkish Republic nullified the whole basis of the pan-Islamic crusade in India. The arrest, trial and imprisonment of the brothers Ali in the autumn of 1921 marked the end of the movement, and with it closed the prospect of agreement between the Congress and the great majority of Moslems.<sup>2</sup>

It was not merely as a reaction from an opportunist and unconstructive alliance that the breach began again to widen after 1922. The cause of it lay at the heart of the new constitutional system. Dyarchy might not work very well, but its meaning was plain. Indian ministers, Hindu and Moslem, now had real executive power in their field. They were not responsible for its exercise to the old neutral British authority, but to Indian politicians in the Councils. And the old 'official bloc', as it had been called, the compact body of officials, mostly British, which had exer-

<sup>1</sup> *Moral and Material Progress of India*, No. 57, 1922, p. 26.

<sup>2</sup> Any renewal of the movement was precluded by the Turks' abolition of the Caliphate in 1924.

cised a kind of arbitral influence on the Council's proceedings in the past, had not only been reduced in numbers: it had lost something of its neutrality by being yoked with ministers whose policy it was expected normally to support. Dyarchy, moreover, was on the face of it a transitional system, and from the moment of its birth the Hindus were demanding that the process it had initiated must be speeded up so that British rule, at the Centre as well as in the Provinces, might quickly be replaced by Indian rule.

It might have seemed at first sight as if Moslem opinion had acquiesced in this prospect of *Swaraj*. In so far, indeed, as it was organised and vocal, it did acquiesce. No further protest against the colonial model was raised on the Right. The All-India Muslim Association faded out of the picture. The Moslem delegates, including Mr. Jinnah, who appeared before the Joint Select Committee on the bill in 1919, accepted it in principle. They insisted on the retention of separate electorates, but otherwise their attitude was much the same as that of the Hindu Liberals: the bill was not enough, but it could be used for getting more. In 1919, as has been seen, the Moslem League went further. It identified itself with Mr. Gandhi's revolutionary policy. It was virtually merged in the Congress. It did not meet—so it is recorded—as a separate body between 1919 and 1924.<sup>1</sup> And, when it did meet in the spring of 1924 at Lahore, with Mr. Jinnah in the chair, it insisted as vehemently as the Congress on an immediate and far-reaching constitutional advance. The Government, said Mr. Jinnah, must meet 'the universal demand'

that immediate steps must be taken to scrap the present constitution and devise a constitution in consultation with the representatives of the people which will give them a real control and responsibility over their affairs . . . and enable them to stand as free people under full-fledged Dominion responsible government amongst the ranks of the nations of the world.

A resolution carried at this meeting of the League laid down six 'basic principles' of *Swaraj*. Four of them dealt with minority safeguards. Joint electorates were once again rejected in favour of separate electorates, and the old 'three-fourths' rule was re-affirmed.<sup>2</sup> But the first two 'principles' were new and significant.

The existing Provinces of India shall all be united under a common Government on a federal basis so that each Province shall have full and complete Provincial Autonomy, the functions of the Central Government being confined to such matters only as are of general and common concern.

Any territorial redistribution that might at any time become necessary shall not in any way affect the Moslem majority of population in the Punjab, Bengal and the North-West Frontier Province.

This was the first clear Indian response to the suggestion, tentatively advanced in the Montagu-Chelmsford Report, that the constitution of a self-governing India should be federal; and it showed that the Moslems had

<sup>1</sup> *Indian Quarterly Register*, vol. i, no. 2.

<sup>2</sup> See p. 46 above.

recognised the value of the federal principle in the treatment of minority questions. The weight of the Hindu majority at the Centre, on the one hand, would be mitigated if the government ceased to be unitary and was only concerned with federal subjects. Wider Provincial powers, on the other hand, would strengthen the position of the Moslems in the three Provinces in which they were in a majority.

It was also significant that the League defined *Swaraj* as equivalent to Dominion Status, whereas the Congress had not committed itself to India's continued participation in the British Empire. But more important was the League's complete acceptance, subject to the six 'principles', of the parliamentary system. Its decision in 1913 had been forgotten.<sup>1</sup> The old distrust of the colonial model was voiced only by one Moslem leader. At the time of the League Meeting in 1924, as it happened, the Central Government was inviting opinions as to the demand for a further constitutional change, and from Mr. A. K. Fazl-ul-Huq, who served as Education Minister in Bengal in 1924, it received an uncompromising reply.

My experience of the last few years [he wrote] of the political developments in India has convinced me that the declaration of the Imperial Government in Parliament in August 1917 was a great mistake. Representative institutions have been thrust upon India, although there can be no doubt that representative institutions, as they are known in the West, are utterly unsuited to Indian conditions. . . . You can no more expect representative institutions to flourish in their proper form in India than you can expect hot-house flowers to blossom in the icy cold of the North.<sup>2</sup>

This recalls Morley's language about fur coats in the Deccan: but it was not echoed by other Moslems. To all appearance the two great communities were agreed in thinking that the future government of India should be parliamentary.

Unhappily, however, that agreement, such as it was, did not mean a softening of the old antagonism. On the contrary, the prospect of parliamentary government rapidly expanding from its dyarchic limits to a nationwide scale embittered it. Those who watched the course of Indian politics at this time, however much they may have sympathised with nationalist aspirations, could not fail to see that a struggle for power had begun. An alarming symptom was the campaigns set on foot by hot-heads on both sides to 'reconvert' groups of Moslems and Hindus who were said to have lapsed from their faith. Still more ominous was the recrudescence of large-scale rioting. From 1922 onwards the number of serious Hindu-Moslem riots rose steeply. There were 11 in 1923, 18 in 1924, 16 in 1925, 85 in 1926, and 81 up to November 1927. The death-roll for those five years was about 450, and at least 5,000 people were injured. The worst outbreak was in Calcutta in the spring of 1926. It lasted for more than a fortnight. No fewer than 67 persons lost their lives; and nearly

<sup>1</sup> See pp. 46-7 above.

<sup>2</sup> July 5, 1924—*Reforms Enquiry Committee; Views of Local Governments*, Cmd. 2362, 150-1.



400 were hurt. Much property was damaged by arson and looting. On that occasion, as on several others in this period, order was only restored by the use of troops.<sup>1</sup>

This black record was a sorry commentary on the hopes and appeals of 1918. If the new *régime* had failed to provide a training in responsible government, it had failed even more completely to assuage the bitterness of Hindu-Moslem strife by holding out the prospect of India's national freedom. That very prospect had in fact intensified it. It had provoked a preliminary struggle for place and power. If nothing could be done to mitigate the feud, if the breach grew wider still, then obviously the 'faith' of 1918 would prove to have been a pious illusion and the vision of Indian nationhood a passing dream. If proof were needed that such an outcome would be deplored as much by British as by Indian public opinion it was furnished by the appeal which Lord Irwin made to the Hindu and Moslem leaders soon after his arrival on the Indian scene as Viceroy. In unprecedentedly frank and earnest language he besought them 'to rescue the good name of India from the hurt which their present discords inflict upon it'.

In the name of Indian national life, in the name of religion, I appeal to all in each of the two communities who hold position, who represent them in the press, who direct the education of the young, who possess influence, who command the esteem of their co-religionists, who lead them in politics or are honoured by them as divines. . . . I appeal in the name of national life because communal tension is eating into it as a canker. It has suspended its activities. It has ranged its component parts into opposite and hostile camps.

No one questions that Indian leaders were impressed by Lord Irwin's manifest sincerity, nor that they did what they could in response to his appeal. But the result was negligible. The speech was delivered on July 17, 1926. In the course of the next six weeks there were five serious riots. On August 29, Lord Irwin was even more outspoken in his opening address to the Indian Legislature. After alluding to some of the worst of the recent disorders and 'that abyss of unchained human passions that lies too often beneath the surface of habit and law',

Nothing wholesome [he said] can flourish in unwholesome soil, and no one may hope to build a house to stand against the wind and the ruin and the storms of life upon foundations that are rotten and unsound.

This second appeal was as ineffective as the first. All through the following winter the outbreaks of mob-violence continued. Over thirty people were killed and over 200 injured between August and March.

#### IV. THE CENTRE

The Swarajists maintained that the increase of Hindu-Moslem tension was not due to the prospect of full self-government in India but to the

<sup>1</sup> A detailed list of the riots is given in *Indian Statutory Commission*, vol. iv, pt. i, 108-20.

fact that it was only a prospect and not a reality. Remove all British control, they argued, and Hindus and Moslems would have no difficulty in coming to terms. They continued, therefore, to concentrate their forces not on the field in which self-government had been conceded in 1919 but on that in which it was still withheld. Thus, just as in the Provinces it was the 'reserved' rather than the 'transferred' field that attracted attention, so it was not in the Provinces but at the Centre that nationalism was most active. Most of the ablest politicians gravitated to the Centre, and the new Legislative Assembly soon became the principal arena of Indian politics.

The result was not in itself discouraging. In the dignity and orderliness of its proceedings and in the intellectual level of its debates the Assembly proved itself at least the equal of older parliaments. Nor were its relations with the Government, even after the Swarajists entered it in 1928, so strained as in some of the Provinces. A substantial body of useful legislation—such as the Workmen's Compensation Act, 1923, the Criminal Law Amendment Act, 1923, the Cantonments Act, 1924, the Indian Trade Unions Act, 1926, the Indian Bar Councils Act, 1926, the Child Marriage Act, 1929, and the Factories Act, 1934—was passed by agreement between executive and legislature. Violent speeches were made from time to time on the Left; but the spokesmen of the Government were usually heard with patience and often with assent. Between 1921 and 1937 the Viceroy used his overriding powers of 'certification' only ten times.

Yet, if the Assembly showed itself possessed of some of the essential qualities of a parliament, it was even less like its prototype at Westminster than the Provincial Councils. When the members of the Simon Commission attended its debates in 1928-9, they were more impressed by its differences from than by its resemblance to the Parliament to which they themselves belonged.<sup>1</sup> One main point of difference was, as in the Provinces, the lack of a party-system. The basis of the various groups was not political in the ordinary sense but communal. Even the Swarajist Party had failed to obliterate the line of communal division. Moslems, with Mr. Jinnah at their head, demanded *Swaraj* as vehemently as their Hindu allies, but at the elections of 1926 they gained their seats not as Swarajists but as Moslems. The chief point of difference from Westminster, however, was the inevitable difference arising from the fact that government at the Centre was still only representative and not responsible. The majority was not behind the Government: it constituted a permanent Opposition. Nor was it primarily concerned with carrying the laws it wanted or trying to control the current administration of the country: its dominant purpose was to change the constitution, to obtain without delay the full self-government towards which the Act of 1919, to judge from its orators' denunciations, had made an almost imperceptible advance. Indeed the Liberals who dominated the first Assembly were hardly in their seats before they

<sup>1</sup> *Simon Report*, ii, 7: cf. i, 225.

begun to press for a quick advance upon the Act. Aware that the intelligentsia, especially its younger members, preferred the more full-blooded creed of the Congress to theirs, they virtually adopted the Swarajist programme, and, in the autumn of 1921, when the Act had been only some six months in operation, they prepared to submit a motion asking for the appointment of a committee to consider the means of completing responsible government in the Provinces and introducing it at the Centre.

It was an embarrassing situation for the Central Government, then headed by Lord Reading. The Joint Select Committee had underlined the clause in the Act providing for the appointment of the Commission to examine its working after ten years, and urged that 'no changes of substance' should be made in the interval.<sup>1</sup> But the position at the Centre was now very different from what it had been before 1919. The Government, with three Indian members now instead of one, were confronted for the first time by a large elected majority in the legislature. They were the more anxious, moreover, to reconcile the Liberals because the Swarajists seemed irreconcilable, and they were bent on proving that the policy of 1917 was genuine. They therefore arranged a compromise, and a motion was carried, which they did not oppose, 'that the progress made by India on the path of responsible government warrants a re-examination and revision of the constitution at an earlier date than 1929'. From this opinion the Secretary of State (Lord Peel) dissented, but he pointed out that minor changes could be made without amendment of the Act of 1919 by the use of the rule-making power it provided. In 1923 the Assembly called for action on these lines, but in 1924, stiffened by the entry of the Swarajists at the recent elections, it reverted to the demand for a revision of the Act. A Round Table Conference should be summoned, it declared, to recommend a constitution for a fully self-governing India with Dominion Status within the Empire, this scheme to be considered by the Indian Legislature and, if approved by it, submitted to the British Parliament for enactment. For a time the British Government resisted this assault. It acquiesced in the appointment of the Muddiman Committee in 1924 to try out the possibilities of rule-making; but the Labour Secretary of State (Lord Olivier) declared as firmly as his Conservative predecessor that Parliament could not consider amending the Act until full inquiry had made a case for it. Some of the recommendations of the Muddiman Committee were acted on, but this was, and could be, no more than tinkering. And then in the autumn of 1927, two years before the ten-year period prescribed by the Act was due to expire, Lord Olivier's successor, Lord Birkenhead, carried an amending Act enabling the machinery of inquiry to be set in motion without further delay. In November, accordingly, the Statutory Commission, better known from its chairman's name as the Simon Commission, was appointed.

From that moment the Constitution of 1919 was generally regarded as

<sup>1</sup> *Report*, 11.

moribund. Yet it lived on longer than was expected. The consideration of a further advance was so intensive and protracted that a new Act was not passed till 1935. And even then, for reasons that will be given in due course, it was mainly in the Provinces that the new constitution came into force in 1937. The part of the Act which created a new Centre remained inoperative, with the result that to-day the legal structure of the Centre is still much the same as it was under the constitution of 1919. And it may be said to have fulfilled its authors' purposes better at the Centre than in the Provinces. It had accustomed Indian politicians to envisage problems on a British-Indian scale. It had fostered a sense of nationhood. And by establishing a large measure of representative government it had taken the first step, and a long one, in carrying out the policy of 1917. If it strengthened the tendency to regard the British parliamentary system as the inevitable goal at the Centre as well as in the Provinces, that was entirely in accord with the 'faith' of the Montagu-Chelmsford Report.

## CHAPTER VII

### SWARAJ AND DOMINION STATUS

#### 1. THE NEW NATIONALISM

To describe the working of the Reforms of 1919, as attempted in the last chapter, is to paint only half the political picture. For the most vigorous elements of Indian nationalism, as has been seen, took no land in the operation of the Act. If they entered the constitutional power-house, it was only with the object of trying to put the machinery out of gear. The nationalist movement—or at least its major forces—had assumed from 1920 onwards quite a new complexion. The majority of the Congress, which not so long ago under Mr. Gokhale's lead had been the British Government's ally, had become under Mr. Gandhi's lead its enemy. When Parliament had at last declared its intention of setting India free, it was told it was too late: India would free herself. And this new attitude was associated with a bitter attack on Britain and her record in India and elsewhere. India, said Mr. Gandhi in effect, must turn her back on the West: she had nothing to gain by contact with its gross materialism; she must find her soul again in the simple self-sustaining life of the Indian countryside.

This great change in the attitude of Indian nationalism could not fail to affect British opinion. To the supporters of Mr. Mondagn (who died in 1924) it came as a direct rebuff. The sincerity of the pledge of 1917 was questioned, the plan for carrying it out derided. In more conservative minds it revived all the old doubts about parliamentary government in India. To some the sudden surrender of 1917 now seemed to have been over-hasty. Others were confirmed in their belief that the development of a real parliamentary system must be a gradual and very lengthy operation. This last point of view was expressed with his usual incisiveness by Lord Balfour in the House of Lords in 1924. He did not go back on the decisions of 1917 to 1919. Nothing had happened, he declared, to make him regret the experiment then initiated. Nor would he despair of its ultimate success. 'All I can say is that it is perfect folly to suppose that the result can be immediately attained.' The Swarajists, he pointed out, had no constructive policy. They were content with the assertion that India could make the same 'safe and happy' advance to freedom as the Dominions if only Britain would not hold her back. But that, he argued, was an illusion. Nor was it a question of superior or inferior capacity. It was absurd to suggest that India, the cradle of great religions and of a civilisation 'compared with which ours is contemptible in point of date',

was inferior\* to Britain. 'But we are different.' And institutions cannot easily be imported, 'as you import a new locomotive', from one civilisation into another.

Free institutions [he continued] on the British model or on the Dominion model are among the most difficult institutions in the world to manage properly. Free government is very difficult government. The easy government is the government of an absolute autocracy. The notion appears to be that, if you leave India alone, India will at one stride—taking an example from Great Britain, from the great British Dominions, from the United States of America, from other great free and self-governing communities—join their ranks as a natural equal. That is entirely to ignore the teaching of history.<sup>1</sup>

But Mr. Gandhi's followers were not disposed to listen, as Mr. Gokhale's might have listened, to a lecture, however thoughtful and well-meant, from any British statesman. For the impact of the war and of the tremendous impulses it had set running through the world had shaken the younger generation in India quite out of their fathers' attitude of acquiescence in a steady advance along British lines and guided by British experience. They still wanted parliamentary self-government, it is true, despite Mr. Gandhi's insistence on Indian ways of life, but they wanted it at once. And it is easy enough to understand their impatience. They were demanding a right which Englishmen had always taken for granted—to stand on an equal footing with other men in the world. In politics, as in everything else, equality is not a matter of degree; it is a case of all or nothing; and it would have been asking much of human nature to expect a young educated Indian to be content with the 'progressive' process, with the knowledge that, if indeed Britain's declared intentions were sincere—and he questioned that—his son or his grandson might one day be accorded an equal footing with a citizen of Britain or China or Brazil.

This claim to equality must have been made sooner or later in any case, but the war and the peace had forced it to the front. Like a searchlight playing over the whole structure of international society, the war had shown up the strength or weakness, the independence or dependence, of its component states, and had thus intensified the educated Indian's feelings of humiliation and resentment at the inferior status which, despite its size and its historic past and ancient civilisation, was allotted to his country. The peace, moreover, had been avowedly based on the principle of 'national self-determination'. It was agreed, apparently, that nations had a right to follow their own path in the world. *A fortiori* they must have the right to frame their own form of government. Nor was the new nationalism a fire in Europe only. Asiatic nations were soon vigorously asserting a new-found freedom. The young Chinese Republic was fighting a winning battle with the Western Powers over the 'unequal treaties'. In the Near and Middle East, Iraq, like Egypt, was declaring its sovereign independence and looking forward to admission to the League of Nations.

<sup>1</sup> *Hansard*, H. of L., lvi (1924), 416-28.

In Syria and Palestine Arab nationalists were demanding the same status. In the heart of the desert the independent kingdom of Saudi Arabia was taking solid shape. Nearer home, Afghanistan had proved its freedom by fighting a short and not unsuccessful war with Britain. With all this happening around him it needed a cool-headed Indian patriot to ask himself whether India was yet really a nation, sufficiently at one within itself to exercise as a single great society the rights of nationhood. To young and eager Swarajists—and there were Moslems among them as well as Hindus—freedom and unity seemed to go together. The difficulties of achieving nationhood had been aggravated by British interference. They could only be surmounted if Indians were free to deal with them themselves.

## II. THE NEW NATIONAL STATUS

It is sometimes overlooked that the position established in 1919 was not static. Apart from the increasing pressure of the Assembly and the Councils on their Governments and the increasing tendency of those Governments to be 'responsive' to it, a twofold process was going on outside the legislatures which might be described as anticipating or preparing the way for the national freedom foreshadowed in the Announcement of 1917.

Steps were taken, in the first place, towards equipping India with the national civil and military services she would one day need. The vast majority of officials in India had always been enlisted in the so-called Provincial Services, which had always consisted almost wholly of Indians. The question of 'Indianisation', therefore, only applied to the All-India and Central Services, and in 1924 a Royal Commission, consisting of four Indians and four Englishmen, with Lord Lee as chairman, unanimously recommended (1) that recruitment should be so adjusted as to ensure that the Indian Civil Service would become half Indian after fifteen years, and the Indian Police Service half Indian after twenty-five years; (2) that the other All-India Services, concerned as they were with the 'transferred' field of administration, should likewise be transferred from the control of the Secretary of State to that of the Provincial Governments, which meant, broadly speaking, that no more British officials would be recruited for them.<sup>1</sup> These recommendations were accepted and implemented. In 1924 the Indian members of the I.C.S. numbered about 17 per cent.: there are now 597 Indian members and 588 British. In 1924 the proportion of Indians in the Indian Police Service was 11.2 per cent.: there are now 186 Indian members of it as against 422 British. The door to the highest posts, moreover, was opened more widely after 1919 than after 1909. All the larger Provincial Executive Councils now contained two Indian members. To the Governor-General's Council Morley had appointed one Indian; Montagu, as has been noted, appointed three out of a total of seven or eight. To go yet higher, Sir Satyendra Sinha was

<sup>1</sup> *Report of the Royal Commission on the Superior Civil Services in India, 1924: Cmd. 2128.*

raised to the peerage in 1919 and made Parliamentary Under-Secretary of State for India, and in 1920 he returned to India to become, till the breakdown of his health in 1921, the first Governor of the new Province of Bihar and Orissa.

At the same time a beginning was made with the lengthier process of providing the Indian army with Indian officers—lengthier because in 1917 there were no fully commissioned Indian officers, and it takes many years for a subaltern to become qualified to be a general. In 1918 Indians were made eligible for the King's commission, and ten places were reserved for their training at Sandhurst. In 1923 a scheme was launched, known as the 'eight units scheme', which aimed at building up five infantry battalions, two cavalry regiments and one pioneer unit, entirely officered by Indians. In 1927 the number of places reserved for training Indians at Sandhurst was doubled, and places were also reserved at Woolwich and Cranwell. In 1931 the 'eight units scheme' was expanded to the equivalent of one division and one cavalry brigade with ancillary troops. In 1934 an Indian 'Sandhurst' was opened at Dehra Dun.

These measures for equipping India with a national civil service and a national army could only be steps in a gradual process; and more striking as an anticipation of India's coming nationhood, because more immediate in its effects, was the new status accorded to India in her relations with the rest of the world. In fact, of course, she was not yet an independent nation. Her foreign policy was still controlled by a Government dominantly British in personnel and responsible to the British Parliament. But she was now given an international personality and position which in form were almost the same as those of the Dominions. At the Imperial War Conference of 1917 a resolution, moved by the Prime Minister of Canada, was adopted, which associated India with the Dominions in the readjustment of inter-imperial relations to be considered after the war.

Any such readjustment . . . should be based on a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important part of the same, should recognise the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations, and should provide effective arrangements for continuous consultation in all important matters of common Imperial concern and for such necessary concerted action, founded on consultation, as the several Governments may determine.<sup>1</sup>

It was also resolved to amend the previous resolution of 1907 confining membership of the Conference to the British and Dominion Governments so that India might be 'fully represented at all Imperial Conferences in the future'. From 1918 onwards, accordingly, India was represented at all Imperial Conferences not only by the Secretary of State but by delegates from India, all of whom were Indians and one usually from the

<sup>1</sup> *Proceedings of Imperial War Conference, 1917* [Cmd. 8566], 40, 40-50. The references to India were an amendment moved by Sir Satyendra Sinha and promptly accepted by Sir Robert Borden.



Indian States. In 1918 an Indian statesman, Sir S. Sinha, and an Indian Prince, the Maharajah of Bikaner, sat in the Imperial War Cabinet. After the war, moreover, the contribution which the British Exchequer had made since 1901<sup>1</sup> towards the cost of the India Office was trebled, so as to cover the salaries of all officials employed on administrative work as distinct from the 'agency' functions, mainly economic, performed on behalf of the Government of India, and most of those functions were transferred to a High Commissioner for India. India House presently took its place in London beside the national headquarters of Canada and the other Dominions.

Still more remarkable than this new Indian status in inter-imperial relations was the new status which it carried with it in international relations. The representatives of India, like those of the Dominions, went to Paris as members of the British Empire delegation, sat in their own right in the Peace Conference, and signed the Treaty of Versailles on behalf of India. Thus India separately subscribed to the Covenant and became a separate member of the League of Nations—an interesting anomaly, since all the other initial members of the League were, and all future members were bound by the Covenant to be, 'fully self-governing'.<sup>2</sup> Thenceforward the representatives of India, most of whom were Indians, not only took their place in British Empire delegations at such international conferences outside the orbit of the League as those at Washington in 1921 and at Genoa in 1922, they also shared in the work of the Assembly at Geneva and in the various departments, conferences and committees organised by the League. As one of the eight leading industrial countries, India obtained a permanent seat on the governing body of the International Labour Office, and in 1927 an Indian, Sir Atul Chatterjee, was elected president of the Labour Conference.

Committed as they were to the demand for immediate *Swaraj*, the nationalists of the Congress made light of all these preparatory steps. They boycotted the Lee Commission: the personnel and conditions of the civil service, they said, must be under wholly Indian control. They denounced the schemes for Indianising the army as being so tentative and slow in operation as to be manifestly insincere. And they dismissed the new status accorded to India in inter-imperial and international relations as camouflage intended to disguise under forms the harsh fact of India's subordination to Britain. But the new status was really something more than a matter of form. It is true that the Indian delegates at Geneva were appointed by the Secretary of State after full consultation with the Government of India and that on crucial matters of foreign policy neither the Indian delegates nor the Government of India could prevail against the British Government; but it was at inter-imperial consultations, not at Geneva, that such matters were discussed and settled, and at the

<sup>1</sup> Up to 1901 the entire cost of the India Office had been charged to Indian revenues.

<sup>2</sup> Art. I, par. 2. The Dominions were fully self-governing in fact in 1919, though not yet in form.

Conference the Indian delegates were as free as those of the Dominions to explain and press home their national point of view. In one respect, indeed, India's position was stronger than that of a Dominion, since in the Secretary of State for India she had a spokesman in the British Cabinet with an authority to speak for India such as the Dominions Secretary did not possess for a Dominion. On all international questions, moreover, which were not questions of 'high policy', the Indian delegates were free to differ from those of Britain or the Dominions; and, if India had not been thus directly and separately represented, real conflicts of interest might well have been overlooked or minimised. As it was, Indian interests were not only fully stated: on occasion they prevailed. A notable instance was the sharp conflict between the British and Indian delegates at the Labour Conference on maritime questions in 1920 when the latter successfully defended the position of Indian lascars in British shipping.

Last but not least, the new status secured the world's recognition of India, whatever its present form of government might be, as not merely an adjunct of the British Empire but as a member of international society with a personality and interests and expectations of its own. Representatives not only of the Dominions but of foreign Powers dealt with its representatives face to face; and, while on the one hand Indian statesmen were thus enabled to acquire a new knowledge and experience of international affairs, they could also make the world's public men better acquainted with India's character and claims.

There was one more recognition of India's coming nationhood—the most significant of them all. Trade has always been a primary factor in the history of the British Empire; and the first breach in the dual system which Durham had advised for Canada, the first step forward from domestic colonial self-government towards Dominion Status, was the establishment of a protective tariff, against British as well as American goods, by the Canadian Government in 1858-9.<sup>1</sup> There is no better illustration of the liberal attitude of mind that prevailed in England at the time of the Montagu-Chelmsford Reforms than the proposal that the same sort of fiscal autonomy should be conceded to India. 'Whatever be the right fiscal policy for India', said the Joint Select Committee in 1919, 'it is quite clear that she should have the same liberty to consider her interests as Great Britain, Australia, New Zealand, Canada and South Africa.'<sup>2</sup> This unequivocal recommendation was accepted and took effect in what was known as the 'Fiscal Convention', whereby it was understood that the Government of India in framing its tariff policy should regard itself as the guardian of Indian interests, responsive to Indian opinion, and that, if the Government and the Legislature were agreed, the Secretary of State would not exercise his overriding power on behalf of any British interest. Lord Curzon, who had always championed the cause of Indian trade, did not quarrel with this new departure, but he described it as 'a change so funda-

<sup>1</sup> See p. 40, above.

<sup>2</sup> Report, 11.

mental and fraught with such stupendous consequences that I am amazed at the little attention it has attracted in this country'.<sup>1</sup> In view of the long record of conflict between the cotton trade of Lancashire and India—a record stained on the British side by the selfish imposition of the cotton excise-duties—this language was not too strong. For the Convention did in fact enable India to defend her interests effectively against Britain and other countries. In 1921, an Indian Fiscal Commission was appointed and its recommendation of 'discriminating protection' was accepted both by the Government and the Assembly. In 1923 a Tariff Board was constituted, and in the course of the next fifteen years, by a series of Acts of the Indian legislature, the Indian tariff-system was greatly elaborated and extended. Not unnaturally, British business men, especially in the cotton trade, were gravely concerned; but their remonstrances were unavailing, even when the duty on imported British cotton-goods rose to 15 per cent. and then to 20 per cent. The Secretary of State conveyed their protests to the Government of India and pressed on occasion for their serious consideration; but the Convention was loyally observed, and the Indian Government and Legislature, when in agreement, had their way. And on all essential issues they did agree. They agreed on the principle of imperial preference. They agreed, after some controversy, on the outcome of the Ottawa Conference, which Indian representatives had of course attended. They agreed as to the terms of a commercial treaty with Japan in 1934—the first regular treaty concluded directly between India and a foreign country. Thus by frequent usage, the Fiscal Convention, like so many other conventions in the constitutional history of the British Empire, acquired something like the force of law. No Secretary of State, said Mr. Wedgwood Benn, speaking for the Government in the House of Commons in 1929, would

attempt to lay a finger upon this principle of tariff autonomy which has been established in practice for ten years in Indian affairs. There is Dominion Status in action; there is a Dominion attribute. It has now become part and parcel of the rights of India.<sup>2</sup>

The steps enumerated in the preceding pages to enhance the position of India have been set down in some detail because they demonstrate so clearly the sincerity of the British intention that India should attain her freedom. If that had not been the intention, if it had been desired to maintain British control over India indefinitely, it would have been obviously foolish to give India a footing and Indians a platform in the international world. And if India had been meant, as the Swarajists still maintained, to be the eternal victim of 'economic imperialism', the Fiscal Convention would have been absurd. That being so, it is surprising that successive British Governments hesitated to admit the logical consequence of the new policy. Needing a clear counter-cry to the vague slogan of *Swaraj*,

<sup>1</sup> *Hansard*, H. of L., xxxvii (1919), 1048. <sup>2</sup> *Hansard*, H. of C., ccxxxiii (1929-30), 1552.

the Liberals began to ask soon after 1919 for an official declaration that the progressive programme of 1917 must culminate in Dominion Status. The delay in meeting that request was partly due, no doubt, to the habitual reluctance of Englishmen to commit themselves to something they cannot clearly see; and, whatever visions a Macaulay or a Munro may have had a long time ago, it was still difficult to envisage an India wholly and entirely free. These were solid obstacles to overcome. It may have seemed that to define the goal more exactly was to encourage the illusion that it was already within India's reach. There were Englishmen, too, even in high place, who supposed that Dominion Status and the parliamentary system were inseparable, and, though both were equally implicit in the Announcement of 1917, they may have shrunk from saying straight out that India was committed to a parliamentary fate. However that may be, it was not till 1929 that the admission of an always undeniable truth was made at last in the form of a statement by Lord Irwin.

In view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the statute of 1919, I am authorised on behalf of His Majesty's Government to state clearly that, in their judgment, it is implicit in the Declaration of 1917 that the natural issue of India's constitutional progress as there contemplated is the attainment of Dominion Status.<sup>1</sup>

### III. THE NEHRU REPORT

Indian nationalists had long taken this interpretation of the Announcement of 1917 for granted, and in the summer of 1928, more than a year before Lord Irwin's declaration, a group of them had set to work to draft a constitution for India on the Dominion model. This enterprise was a natural response to the same stimulus as that which had prompted the Congress-League Scheme in 1916. Constitutional changes were again impending: the Simon Commission had been appointed at the end of 1927 and paid its first visit to India early in 1928. But this new Indian effort was more ambitious than its predecessor. Its authors were not content with submitting one or two major proposals: they dealt with the constitution as a whole and outlined their conception of it in a rough draft of an Act of Parliament. And, though their work, as will be seen, had little practical result, the report<sup>2</sup> in which they set forth and explained the new constitution, commonly called the 'Nehru Report', deserved more attention from British students of politics than it received. For it was not only an answer to the challenge that Indian nationalism was unconstructive: it embodied the frankest attempt yet made by Indians to face squarely the difficulties of communalism.

<sup>1</sup> Speech of October 31, 1929. The Governor-General's Instructions under the Act of 1919 (see Appendix III, p. 156, below) spoke of British India attaining 'its due place among Our Dominions', but the meaning of this phrase was a matter of dispute.

<sup>2</sup> *All Parties Conference, 1928; Report of the Committee appointed by the Conference to determine the principles of the Constitution for India* (Allahabad, 1928).

The Report, indeed, was the direct outcome of those difficulties. When a Conference representing all political parties met at Delhi in February 1928 to consider the drafting of an Indian constitution, it found its progress barred by communal discord in which the Moslem League on the one hand and the Hindu Mahasabha, the body which represents the more orthodox and militant elements of Hinduism, were the protagonists. By the time the Conference met again in Bombay in May, the breach had widened and hardened, and it was thought that a way out of the deadlock might be found by a small committee 'viewing the communal problem as a whole and in its relation to the constitution'.<sup>1</sup> A committee was accordingly constituted as follows: Pandit Motilal Nehru (Chairman), Sir Ali Imam and Mr. Shuaib Qureshi (Moslems), Mr. M. S. Aney and Mr. M. R. Jayakar (Mahasabha), Mr. G. R. Pradhan (non-Brahmins), Sardar Mangal Singh (the Sikh League), Sir Tej Bahadur Sapru (Liberals), and Mr. N. M. Joshi (Labour). Pandit Jawaharlal Nehru, at that time General Secretary of the Congress, acted as secretary. Mr. Jayakar declined to serve, and Mr. Joshi was unable to attend the meetings. Sir Ali Imam attended only one meeting, but he kept in touch with the Committee's proceedings and signed its Report.

The Committee was charged 'to consider and determine the principles of the Constitution for India'. In order to obtain the maximum of agreement the Conference had defined the basis of the constitution as 'full responsible government', thus evading an issue on which nationalist opinion had been divided since 1921. The left wing held that the 'complete national independence' or *Purna Swaraj*, which the Congress had declared to be its goal at the end of 1927, meant an independence as complete as that of China or Japan. The right wing argued that the independence of the Dominions, as affirmed in 1926, was in fact, if not yet in form, complete. It was clearly impossible to draft a constitution which left that question undecided, and the Committee by a majority adopted the formula, 'full responsible government on the model of the constitutions of the self-governing Dominions'. But this, of course, did not commit them to the British principle of gradual advance. 'The attainment of Dominion Status is not viewed as a remote stage of our evolution but as the next immediate step.' No party, they declared, could be satisfied with less than that. Nor would those who wanted more be affected in the long run by the Committee's decision. 'It does not mean that any individual Congressman, much less the Congress itself, has given up or toned down the goal of complete independence.'<sup>2</sup>

Having laid down these general principles in the introductory chapters of their Report, the Committee at once attacked the problem of communal and primarily Hindu-Moslem dissensions which, as they said, 'cast their shadow over all political work'. The essence of their doctrine on this issue is contained in the following passages of the Report:

<sup>1</sup> *Ibid.*, 28.

<sup>2</sup> *Ibid.*, I, 24-5.

A new-comer to India looking . . . at the strength of the Muslim community would probably imagine that it was strong enough to look after itself. . . . But logic or sense has little to do with communal feeling, and to-day the whole problem resolves itself into the removal from the minds of each of a baseless fear of the other and in giving a feeling of security to all communities. In looking for this security each party wants to make for itself or to retain a dominating position. We note with regret that the spirit animating some of the communal spokesmen is not one of live and let live. The only methods of giving a feeling of security are safeguards and guarantees and the grant, as far as possible, of cultural autonomy.

The Muslims being in a minority in India as a whole fear that the majority may harass them, and to meet this difficulty they have made a novel suggestion—that they should at least dominate in some parts of India. . . . The Hindus, on the other hand, although in a great majority all over India, are in a minority in Bengal and the Punjab and in Sind, Baluchistan and the North-West Frontier Province. In spite of their all-India majority they are afraid of the Muslims in those Provinces.

We cannot have one community domineering over another. We may not be able to prevent this entirely, but the object we should aim at is not to give dominion to one over another but to prevent the harassment and exploitation of any individual or group by another. If the fullest religious liberty is given, and cultural autonomy provided for, the communal problem is in effect solved, although people may not realise it.

We are certain that, as soon as India is free and can face her problems unhampered by alien authority and intervention, the minds of her people will turn to the vital problems of the day. How many questions that are likely to be considered by our future legislatures can be of a communal nature? . . . Parties will be formed in the country and in the legislatures on entirely other grounds, chiefly economic, we presume. We shall then find Hindus and Muslims and Sikhs in one party acting together and opposing another party which also consists of Hindus and Muslims and Sikhs. This is bound to happen if once we get going.<sup>1</sup>

The Committee made three proposals.

(1) A Declaration of Rights should be inserted in the constitution, assuring *inter alia* the fullest liberty of conscience and religion.

(2) The North-West Frontier Province (with its Moslem majority of over 90 per cent.) should acquire the same status as other Provinces, and Sind (with its Moslem majority of over 70 per cent.) should be detached from Bombay and become a separate Province. The latter concession, which was hotly opposed at this time by the Mahasabha, might seem to have been prompted by that 'novel suggestion' of local 'domination'; but the Committee defended it on the principle of self-determination, stressing at the same time their cultural interpretation of communalism.

To say from the larger viewpoint of nationalism that no 'communal' Provinces should be created is, in a way, equivalent to saying from the still wider international viewpoint that there should be no separate nations. Both these statements have a measure of truth in them. But the staunchest inter-

<sup>1</sup> *Ibid.*, 25, 28-9, 49.

nationalist recognises that without the fullest national autonomy it is extraordinarily difficult to create the international state. So also without the fullest cultural autonomy, and communalism in its better aspect is culture, it will be difficult to create a harmonious nation.<sup>1</sup>

The carving out of a new Kannada-speaking Province in Southern India was also recommended on cultural grounds: since its population would be dominantly Hindu, this might be regarded as a communal set-off to the separation of Sind.

(3) On the other hand the Committee, unlike the authors of the Congress-League Scheme, made no concession to the Moslem standpoint on the old question of separate electorates. In theory, they declared, separate electorates violated the essential principles of responsible government: in practice they had 'failed to pave the way to a better understanding between the communities'.<sup>2</sup> They should be discarded, therefore, and all elections made by joint or mixed electorates. The only communal safeguard should be reservation of seats, and this should only be afforded to the Moslems and not to any other community or group except the non-Moslems in the North-West Frontier Province. Nor should seats be reserved for Moslems where they were in a majority, but only at the Centre and in the Provinces in which they were in a minority. The right to contest other than reserved seats should be conceded, but no 'weightage' should be allowed: the number of seats reserved must be in strict proportion to the size of the community. 'A minority must remain a minority whether any seats are reserved for it or not.'<sup>3</sup> These proposals were backed by a detailed examination of the local distribution of the Moslem population in Bengal and the Punjab which went to show that, without reservation of seats, the Moslems were certain of elected majorities at least equivalent to their numbers.

From the communal problem the Committee turned to examine two further difficulties which had been wrongly regarded—so it was argued—as barring the road to Dominion Status.

The first of these was the relationship of the States with the British Government. The Montagu-Chelmsford Report, it will be remembered, had pointed out that the attainment of a free Indian nationhood implied the ultimate union of the States with British India and had dimly envisaged the distant prospect of an all-India federation. The Nehru Report is even more tentative. 'If the constitution of India is to be federal,' it remarks at one point, 'as we think it might well be.' But there is no such uncertainty in the Committee's mind as to the effects of federation on the domestic concerns of the States.

If the Indian States would be willing to join such a federation, after realising the full implications of the federal idea, we shall heartily welcome their decision and do all that lies in our power to secure to them the full enjoy-

<sup>1</sup> *Ibid.*, 32.

<sup>2</sup> *Ibid.*, 38.

<sup>3</sup> *Ibid.*, 52.

ment of their rights and privileges. But it must be clearly borne in mind that it would necessitate, perhaps in varying degrees, a modification of the system of government and administration prevailing within their territories.<sup>1</sup>

This was firm language, and it signified a stiffening in the attitude of Indian nationalists towards the Princes. While deploring their failure to apply to their States the principles of 1917 or to introduce any measure of responsible government corresponding to that which was introduced in British India by the Act of 1919,<sup>2</sup> the Congress had hitherto abstained for several years from direct interference. Political agitation, never an easy business in the States, was left to their own peoples: the Congress had no party branches there. But in 1927 an organisation known as 'The Indian States' Peoples Conference' had come into being which had declared its aim to be 'the attainment of responsible government for the people in the Indian States through representative institutions under the aegis of their Rulers', and this aim had been endorsed by the Congress at its 1928 Session. The Princes on their side were bound to consider to what extent 'the progressive realisation of responsible government' in British India might ultimately affect their position. It was one thing for them to acquiesce in the authority of the Paramount Power as long as it was exercised by a Viceroy responsible only to the Secretary of State, but quite another thing if it were to be exercised on the advice of Indian ministers, Congressmen it might be, responsible to an Indian parliament. These uncertainties of the future were doubtless among the reasons which prompted them at this time to try to clarify and strengthen their position *vis-à-vis* the Paramount Power in its present shape. They sought legal opinion and repeatedly asked for a formal inquiry; and in response a committee, with Sir Harcourt Butler in the chair, was appointed by the Secretary of State (Lord Birkenhead) at the end of 1927, with the primary task of reporting on 'the relationship between the Paramount Power and the Indian States'. This procedure was sharply criticised by the Nehru Committee. Instead of asking for an all-round conference, they complained, at which the representatives of the governments and peoples of British India and the States could have easily settled all the questions at issue with mutual goodwill, the Princes were trying to make their own separate terms with the British Government. 'An attempt is being made to convert the Indian States into an Indian Ulster.' The Princes were warned that their peoples would not 'quietly submit to existing conditions for ever', nor the people of British India for ever refrain from making common cause with them.<sup>3</sup> Meanwhile, failing a federation, the Princes' claims must not obstruct the advance to Dominion Status. They must accept the same position in the new 'Commonwealth of India' as they occupied at present in the Indian Empire. The relevant article of the draft constitution ran as follows:

<sup>1</sup> *Ibid.*, 83.

<sup>2</sup> An account of constitutional developments in the States will be given in Part II.

<sup>3</sup> *All Parties Conference, 1928; Report of the Committee appointed by the Conference to determine the principles of the Constitution for India* (Allahabad, 1928), 72.



The Commonwealth shall exercise the same rights in relation to, and discharge the same obligations towards, the Indian States, arising out of treaties or otherwise, as the Government of India has hitherto discharged.<sup>1</sup>

The second obstacle to the immediate acquisition of Dominion Status was the difficulty created by the necessity of retaining British regiments and British officers for Indian regiments in India until a completely Indian defence force could be built up. This difficulty was dealt with by the Committee in rather summary fashion. They did not discuss it in the main body of the Report but only in the introductory chapter, and even that discussion went little further than the citation of two conflicting authorities. Professor Keith was quoted as saying that 'self-government without an effective Indian army is an impossibility'. This was countered by a passage from a speech by Sir Sivaswamy Iyer in which, while he admitted that 'full Dominion self-government implies the capacity to undertake the defence [of the Dominion], not merely by paying for it but also by undertaking its officering and administration', he pointed out that this had not been made a condition for granting the Colonies their 'self-governing status', nor was it required by the Dominions even now as regards defence against external aggression or at sea. This was scarcely an adequate treatment of the constitutional issues involved, but the Committee proceeded without further comment to recommend that the new Indian Legislature should be empowered to legislate and budget for the Indian army and that its control should be transferred to a responsible Indian Minister of Defence. A statutory Committee of Defence should be appointed by the Government, consisting of the Prime Minister, the Ministers of Defence and Foreign Affairs, the Commander-in-Chief and the commanders of the air and naval forces, the Chief of the General Staff and two other experts. Since the constitution was to come into force at once and before completely Indian forces had been built up, it would seem that those Service Chiefs were to be members of the British forces. But this was not made clear: the only reference to British troops in India was in an article in the constitution safeguarding the financial rights of all British and Indian officers serving in India 'at the date of the commencement of the new constitution'.<sup>2</sup>

Foreign policy, inextricably linked with defence, was given still more cursory treatment. On the one page of the Report devoted to it it was argued (1) that the new government of India would be as capable as the existing one of discharging the obligations of the British Government towards the neighbouring states of Asia, and (2) that wider questions of foreign policy would be settled by mutual discussion between the new Dominion and her fellow-members of the British Commonwealth of Nations.<sup>3</sup>

<sup>1</sup> Art. 85: *ibid.*, 122.

<sup>2</sup> Art. 84: *All Parties Conference, 1928; Report of the Committee appointed by the Conference to determine the principles of the Constitution for India* (Allahabad, 1928), 122.

<sup>3</sup> *Ibid.*, 87-8.

The text of the constitution need not be examined here in detail.<sup>1</sup> Though it purported to be an outline draft rather than a precise legal document, it followed fairly closely the arrangement and phraseology of its Dominion models. Its first article was a reproduction of the first article of the Anglo-Irish treaty of 1921:

India shall have the same constitutional status in the comity of nations known as the British Empire, as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good government of India and an executive *responsible to that Parliament*, and shall be styled and known as the Commonwealth of India.

After a definition of citizenship and a declaration of 'fundamental rights', the legislative power of the Commonwealth was declared to be vested, in Dominion style, in the King and a bicameral parliament and the executive power in the King, 'exercisable by the Governor-General as the King's representative, *acting on the advice of the Executive Council*'. The words printed in italics here and above went beyond Dominion precedent. Responsible government had been established in the Dominions by usage, not by written law, and the Irish Free State constitution, while requiring the Executive Council to be responsible to the legislature, had only required the King's representative to act in accordance with the practice of the Dominions.<sup>2</sup> Another innovation was the requirement that the Governor-General, while free to appoint the Prime Minister, should appoint the other members of the Executive Council on the Prime Minister's advice.

Parliament was to consist of a Senate elected by the Provincial Councils by a system of proportional representation, and a House of Representatives elected by general constituencies on a basis of adult suffrage.

Adult suffrage would also be introduced in the Provinces, where the legislatures would be unicameral and directly elected. The same provisions for responsible government would apply to the Governors and Executive Councils in the Provinces as to the Governor-General and Council at the Centre.

Dominion precedent was roughly followed in the establishment of a Supreme Court and High Courts and in limiting the right of appeal to the Judicial Committee of the Privy Council.

The revenues of India would bear the charge, *inter alia*, of 'all expenses, debts, and liabilities contracted and incurred on account of the [existing] Government of India'.

The existing civil services would become Commonwealth services under the new parliament's control. If any officer were discharged or chose to retire within three years, he would be compensated on the basis of his previous service.

Other articles incorporated the Report's decisions, mentioned above, as to defence and relations with the States. The recommendations on

<sup>1</sup> The constitution is printed on pp. 100-24 of the Report.

<sup>2</sup> Article 51.

communal representation and on the new Provinces were not included in the constitution but set forth separately at the end of it.

One outstanding feature of this first attempt by Indians to frame a constitution for India must be emphasised. It was dominated by the tradition of unitary government established by British rule. Even as an ultimate goal federation, as has been seen, was not definitely accepted. The individuality of the Provinces, it is true, was recognised in the Report; and, apart from the separation of Sind and the Kannada Province, a general readjustment of Provincial boundaries was recommended on the basis of common language. The reference to nationalism and internationalism, moreover, in the discussion about Sind had an air of federalism about it. Yet the constitution could hardly be called federal. Devolution was carried no further than the Act of 1919 had carried it. The schedules of Central and Provincial subjects were practically the same as the existing schedules, and all subjects not named therein were allotted by the constitution to the Centre. Nor was the Central legislature based on the federal principle. The lower house was still to be elected by general British Indian constituencies, and, if the upper house was to be elected by the Provincial Councils, each Province would not be given the same number of seats, like the Provinces or States in the Canadian, Australian or American federations, but a number proportionate to its population.

In any final judgment of the Committee's work it would be manifestly absurd to compare it with the work accomplished by the makers of the Dominion constitutions. The Report was finished within three months, and its authors were not so much attempting to elaborate a complete and final constitution as to set forth the basis of an inter-party agreement in constitutional form. And, since most of their time and thought was given to the communal question, it was perhaps inevitable that such other major difficulties as defence and relations with the States should be given less attention than they needed. If that was the chief weakness of the Report, if it seemed to be attempting a 'short cut' to Dominion Status by overriding obstacles which in practical politics could not be so treated, nevertheless it recognised the reality of two cardinal facts—that the unity of all India could only be achieved by the free will of the States, and that for at least a period of transition India would require the help of British forces in its defence. But the most significant feature of the Nehru Report as a whole is that, short-cut or not, its objective was Dominion Status. A Committee on which the Congress was strongly represented had been unanimous—the minority accepting the majority view for the sake of agreement—in recommending to their fellow-countrymen that India should remain within the British Commonwealth.

#### IV. SEQUEL

The report was submitted to the All Parties Conference when it re-assembled at the end of August at Lucknow. It was accepted in principle, and the Committee was re-appointed, with power to add to its numbers, to consider amendments proposed by the Conference. The Report, as amended, was signed by all the previous signatories except Mr. Shuaib Qureshi and Mr. Pradhan, and by the following new members of the Committee—Pandit Madan Mohan Malaviya, Mrs. Besant, Mr. M. A. Ansari, Mr. M. R. Jayakar, Mr. Vijayaraghavachariar, and Mr. Abdul Kadir Kasuri.

The only substantial changes in the draft constitution were: (1) the insertion of an article prescribing Hindustani and the principal language of each Province as the official languages of the Commonwealth and the Provinces respectively, (2) a provision that the system of communal representation should be reconsidered after ten years, and (3) the elevation of Baluchistan as well as the North-West Frontier Province to full Provincial status.<sup>1</sup> It was also decided that the constitution should be put into legal form and submitted to a Convention, chosen like the Conference on an all-party basis, at the end of the year. The Convention was never held. In the course of that autumn the forces of dissension, which had been present in the background while the Committee was at work, came to the front and destroyed the framework of agreement it had so laboriously constructed.

The first breach was in the ranks of Hindu nationalism. Pandit Jawaharlal Nehru told the Lucknow Conference that, though he would not oppose the acceptance of the Report, he and his friends could not vote for it, as that would commit them to acquiescence in Dominion Status. At the meeting of the Working Committee of the Congress in November, the Report was 'generally approved' as 'a great step towards political advance' and the communal settlement expressly accepted; but it was declared at the same time that the Congress goal of 'complete independence' meant secession from the British Commonwealth, since 'there can be no true freedom till the British connexion is severed'.<sup>2</sup> When the Congress held its annual Session in December, it passed no judgment on the Report; its chief product was a more open challenge to the Princes than that of the previous year. It assured 'the people of the Indian States of its sympathy with and support in their legitimate and peaceful struggle for the attainment of full responsible government in the States', and it urged the Princes to concede to their subjects all the civic rights of a modern liberal society.<sup>3</sup>

More serious was the seemingly inevitable Hindu-Moslem split. The painstaking efforts of the Nehru Committee to close the communal breach

<sup>1</sup> The amended text is printed in *All Parties Conference, 1928, Supplementary Report of the Committee* (Allahabad, 1928), 31-51.

<sup>2</sup> *Congress in Evolution*, 27.

<sup>3</sup> *Ibid.*, 27-8.

seemed, in fact, to have widened it. Capable as they were, the Moslem members of the Committee did not command the support of their community as a whole; and the immediate effect of the Report was to unite the Moslem ranks in opposition to it. The two wings into which the Moslem League had been divided for some time past, one led by Sir Muhammad Shafi, the other by Mr. Jinnah, began to draw together; and at the end of the year an All-India Moslem Conference met at Delhi at which representatives of all shades of Moslem opinion from the farthest 'left' to the farthest 'right' assembled under the presidency of the Aga Khan. On January 1, 1929, this Conference adopted by a unanimous resolution a full-scale manifesto of Moslem claims. Its principal points were as follows:

In view of India's vast extent and its ethnological, linguistic, administrative and geographical or territorial divisions, the only form of government suitable to Indian conditions is a federal system with complete autonomy and residuary powers vested in the constituent States.

The right of Moslems to elect their representatives on the various Indian legislatures through separate electorates is now the law of the land, and Muslims cannot be deprived of that right without their consent.

In the Provinces in which Musalmans constitute a minority they shall have a representation in no case less than that enjoyed by them under the existing law [*i.e.* 'weightage'].

It is essential that Musalmans should have their due share in the Central and Provincial cabinets.<sup>1</sup>

Other clauses of the resolution revived the old device of a three-fourths' majority rule in the legislatures,<sup>2</sup> conceded 'weightage' to the Hindu minorities in Sind, the North-West Frontier Province, and Baluchistan, insisted on a due proportion of Moslems in the civil services and on all statutory self-governing bodies, and demanded safeguards for 'the protection and promotion of Muslim education, languages, religion, personal law, and Muslim charitable institutions'. The final clause was as follows: 'This Conference emphatically declares that no constitution, by whomsoever proposed or devised, will be acceptable to Indian Musalmans unless it conforms with the principles embodied in this resolution.' Thus the Nehru Report was flatly repudiated, and on two main grounds. First, the Moslems were determined to retain the rights of representation accorded them under the Act of 1919. Secondly, they had made up their minds that the ultimate constitution of India must be federal, not unitary.

Such was the barren outcome of the first attempt of Indian public men to build a constitution of their own on a foundation of national unity. It was a courageous attempt, and the building that resulted from it might at least have served as a framework for adaptation and extension in the light of further discussion. But no sooner had it been erected than the foundation had collapsed. It seemed as if it was impossible for Indian nationalism ever to show its strength without at the same time betraying its weakness.

<sup>1</sup> The text of the resolution is given in *Simon Report*, ii, 84-5. <sup>2</sup> See p. 46, above.

## CHAPTER VIII

### THE SIMON REPORT

#### 1. THE COMMISSION

WHILE Indian politicians were engaged in the discussions recorded in the preceding chapter, the British re-examination of the problem of Indian government had begun. It proved to be a lengthy business. Starting with the appointment of the Simon Commission in November 1927, it was not completed till a new Government of India Act took its place in the statute book in 1935. During those eight years an unprecedented amount not only of hard work by those engaged in the inquiry at its successive stages but also of public interest in Parliament and in the Press was devoted to India. Sooner or later almost all the political ability and experience of this country and much of those of India were enlisted in this one great task. Whatever may be said of the result, it cannot be said that it was carelessly or hastily arrived at. On the British side, indeed, the proceedings were a striking demonstration of the thoroughness with which the British people can deal with a problem when once they choose to recognise its magnitude and urgency.

It will be apparent later on that the scheme of government framed in 1935, different though it was in important respects from the scheme of the Nehru Report, was not out of all relation to it; and it is permissible, therefore, to wonder whether an opportunity was missed in 1927. An unmistakable feature of Indian nationalism at that time was resentment at the idea of India's destiny being determined by a far-off British Parliament, and in particular at the process of periodical parliamentary trials and verdicts. In view of the great advance in the strength and the claims of Indian nationalism since 1919, it seems at least conceivable that the wisest course would have been the boldest—to break away from the plan laid down in 1919 and make a new start by inviting representatives of all Indian parties and of the States to discuss the future of India on an equal footing with representatives of Britain. The Nehru Committee, as has been seen, expressed their regret that such an all-round conference had not been contemplated. Nor need that have been the only new departure. The Fledge of 1917 might have been treated as open to reconsideration. Other methods of attaining India's freedom than the 'realisation of responsible government' in the traditional sense might have been canvassed, and from the process new possibilities of Hindu-Moslem accord might have emerged. Both on the communal issue, moreover, and on the question of the relationship between British India and the States, the British repre-

sentatives might have been able to exert a neutral or arbitral influence. In the light, however, of what happened to the Nehru Report, it can hardly be assumed that an opportunity of obtaining a substantial measure of general agreement was actually within British statesmen's grasp. It may be that the period of further controversy and friction that has elapsed since 1927 was needed to make the facts of the situation still plainer, and the choices to be made still more manifestly inescapable, before India could obtain the freedom and unity she wants.

As it was, the appointment and conduct of the Simon Commission marked no new departure. They conformed with legal precision to the law laid down in 1919. Thus, apart from the difficulty of representing all Indian parties without making the Commission unmanageably large, it seemed appropriate that a body which owed its origin to an Act of Parliament and was charged with an inquiry on Parliament's behalf should be comprised of members of that Parliament. Two peers and four commoners, accordingly, representing all three parties, were chosen to serve under Sir John Simon, himself an eminent parliamentarian. The Commission's deliberations were similarly controlled by what had been done ten years before. At the very outset of their Report its members declared categorically that the Announcement of 1917, as recapitulated in the preamble to the Act of 1919, supplied 'the governing conditions to be observed and satisfied by any and every scheme for India's future constitutional progress'.<sup>1</sup> The obstacles to advance on these lines were admitted, a page or two later, to be formidable; 'but, whatever the obstacles, the object stands as the declared goal of British Indian policy'.<sup>2</sup> The gradual method was reaffirmed, moreover, as being 'part and parcel' of that policy. Now, as in 1919, the advance was to be by successive stages, and its time and manner to be determined by Parliament alone. Only in one respect was past prescription overstepped. Apart from the establishment of the Chamber of Princes, the Montagu-Chelmsford scheme had been concerned with British India alone; and, since in the course of its inquiries the Commission became convinced that any consideration of the future government of British India must take into account its relations with the States, it asked and obtained permission to deal with India as a whole.<sup>3</sup>

When the appointment of the Commission was announced, the British Government suggested that a Joint Select Committee of the Indian legislature might be chosen to submit opinions and proposals to the Commission in India and possibly also to consult with it. It was understood, too, that the procedure applied to the Montagu-Chelmsford Report would be repeated: any proposals framed in the light of the Simon Commission's recommendations would be subjected to a Joint Select Committee at Westminster at which Indian witnesses would be heard. But these emollients did little to ease the wound inflicted on Indian feeling, and not only among 'extremists', by the exclusion of Indians from the personnel of the Com-

<sup>1</sup> *Simon Report*, i, 1.

<sup>2</sup> *Ibid.*, i, 4.

<sup>3</sup> *Ibid.*, Preface, xxiii-xxiv.

mission itself. Another attempt was made, therefore, to obtain Indian sympathy and co-operation with the Commission's work. Instead of a committee of the Indian legislature, a group of committees were elected or appointed, one for all British India and one for each of the Provinces, to work with the Simon Commission in India.

But, if more moderate-minded Indians were willing to co-operate, the attitude of the Congress became steadily more hostile and turbulent. When the Commission paid its first visit to India in the spring of 1928, it was greeted with funeral banners inscribed 'Simon, go back!', and both at that time and during its second and longer tour in India in the winter of 1928-9 all its proceedings were rigidly boycotted. So disturbed, indeed, was the situation in the spring of 1929, so bleak the prospect that the result of the inquiry could command anything like the measure of Indian assent or acquiescence accorded to the Montagu-Chelmsford Report, that Lord Irwin went to England to confer with the British Government, and on his return to India in the autumn of 1929 he made a twofold statement in order, as he said, 'to break through the webs of mistrust that have lately clogged the relations between India and Great Britain'.<sup>1</sup> The first item of the statement has already been recorded—the admission that Dominion Status was the goal to which the Announcement of 1917 naturally led. The second item dealt with an important change of procedure. In asking for the extension of its terms of reference to cover the relations between British India and the States, the Simon Commission had suggested that, when its Report and that of the Indian Central Committee had been made, 'some sort of conference' should be held at which the British Government could meet representatives of British India and of the States 'for the purpose of seeking the greatest possible measure of agreement for the final proposals which it would later be the duty of His Majesty's Government to submit to Parliament'. The suggestion, said Lord Irwin, had been accepted. A conference would be held before a policy was framed for submission to a Joint Select Committee. 'It is not necessary for me to say how greatly I trust that the action of His Majesty's Government may evoke response from and enlist the concurrence of all sections of opinion in India.'<sup>2</sup>

Response and concurrence were quickly forthcoming from the Swarajists—had not the Nehru Committee regretted in 1928 that just such a conference had not been held?—but on terms. A statement signed not only by more advanced Congressmen, such as Mr. Gandhi, Mr. Vallabhbhai Patel, and Pandit Jawaharlal Nehru, but also by such 'moderates' as Sir Tej Bahadur Sapru and Mr. Sastri and by some nationalist Moslems like Mr. Muhammad Ali, while it expressed appreciation of the Viceroy's sincerity and of 'the desire of the British Government to placate Indian opinion', declared that the success of the proposed conference required, amongst other things, the 'predominant representation' of the Congress. More

<sup>1</sup> Statement of October 31, 1929.

<sup>2</sup> *Simon Report*, i, Preface, xxiii.



important was the following sentence: 'We understand that the conference is to meet not to discuss when Dominion Status is to be established but to frame a scheme of Dominion constitution for India.'<sup>1</sup> In other words the conference was to be charged with the same task as the Nehru Committee. With this interpretation of the Viceroy's statement neither he nor British ministers could be expected to agree: for it implied that they should not merely anticipate the findings of the Simon Commission but commit themselves to India's attainment of Dominion Status without delay and at one stroke, and the practical difficulty of achieving that seemed greater to them than it had seemed to the authors of the Nehru Report. Lord Irwin explained this point of view, but with only partial success. While 'moderates', Hindu and Moslem,<sup>2</sup> continued to co-operate, the attitude of the more radical Swarajists hardened. At the annual Session of the Congress at Lahore in December, while the 'efforts of the Viceroy towards the settlement of the national movement for Swaraj' were welcomed, 'nothing is to be gained', the resolution went on, 'in the existing circumstances by the Congress being represented at the proposed Round Table Conference'. But that was not all. The left wing of the Congress was now again in the ascendant. The 'entire scheme' of the Nehru Report was declared to have lapsed, and with it the acceptance of Dominion Status as a form of *Swaraj*. 'The word *Swaraj*', said the resolution, 'in Article I of the Congress Constitution shall mean Complete Independence', and it called on all Congressmen to work exclusively for that end.<sup>3</sup>

Thus the Congress had accepted Pandit Jawaharlal Nehru's view that India must sever all connexion with the British Commonwealth. Its response, in fact, to Lord Irwin's plea was something like a declaration of war, and it was in this atmosphere of uncompromising hostility, culminating in the following year in another campaign of 'civil disobedience', that the Simon Commission continued and completed its inquiry.

## II. THE REPORT

The publication of the Simon Report in May 1930 added another work of first-rate value to the library of British political science. But, praised as it was when it appeared, the Report was soon overshadowed by the development of the subsequent stages of the long inquiry, and its arguments were soon submerged in the flood of further argumentation that came pouring out in the course of the next few years. It is desirable, therefore, briefly to recall the essential features of the Report.

The kernel of the Montagu-Chelmsford Reforms had been the introduction of responsible government in the Provinces, but it was not only

<sup>1</sup> *Times of India*, November 4, 1929.

<sup>2</sup> The Moslem League made no pronouncement, but ten Moslem members of the Indian legislature published a declaration welcoming Lord Irwin's statement but expressing anxiety lest the Moslem representatives at the proposed conference should not be authoritative spokesmen of their community. Those Moslems, it was intimated, who had shared in framing the Nehru Report, had 'lost the confidence of the people'. *Times of India*, November 4, 1929.

<sup>3</sup> *Congress in Evolution*, 68.

the results of this experiment that the Simon Commission had been charged to examine. Their inquiry was to cover 'the working of the system of government' as a whole, and their Report from its outset took this wider ground. Thus its approach to the problem was not that of the Montagu-Chelmsford Report. It built up its case not on the beginning of the process of Indian enfranchisement outlined in the Announcement of 1917 but on its end. It considered first what should be the ultimate constitutional framework of all India and then what place the Provinces should take in it. That future framework, it declared, cannot be of a unitary type: it must be federal, not merely in response to the growth of Provincial loyalties, but primarily because it must embrace all India and it was only in a federation that the States could be expected in course of time to unite with British India. The advance on the Act of 1919, therefore—and it was agreed that advance was needed—should be mainly a continuance of the process of devolution from the Centre to the Provinces, and it was for that reason in the first instance that the Report made its major recommendation, namely that dyarchy should lapse and the whole field of Provincial administration be entrusted to ministers responsible to their legislatures, since the retention of 'reserved' subjects meant the continuance of control over that part of the Provincial field by the Central Government and the Secretary of State. 'Each Province should as far as possible be mistress in her own house.'<sup>1</sup> So also the Montagu-Chelmsford Report had argued, but it had asked for an extension of devolution in order to facilitate responsible government, whereas its successor was asking for more responsible government in the first place in order to facilitate devolution.

Probably, however, the priority given to that reason for extending responsible government was more accidental than deliberate, more a matter of the arrangement of a complex argument than of logical precedence. And at a later stage the Report recommended full Provincial responsible government on its own merits or more strictly, perhaps, as an improvement on dyarchy, which, for the reasons discussed in Chapter VI above, had failed to foster a real sense of responsibility. It must no longer be possible for the legislature or the electorate to attempt to pin responsibility for anything that happened in any Provincial business to anyone but the ministers who would now constitute a single collective cabinet. The cabinet, however, would not be formed entirely on the British model, since the Governor would himself choose Ministers who commanded a majority in the legislature and not merely appoint a Prime Minister who would advise him in that choice.<sup>2</sup> In all legislation and all administration—and this was now to include the control of finance and of law and order—Ministers would be free from interference by the Governor or the Central

<sup>1</sup> *Simon Report*, ii, 16.

<sup>2</sup> The Report made a suggestion, of which little was afterwards heard, that a Governor should be free to appoint one or more ministers who were not elected members of the legislature and might—and, it was thought, would in some Provinces—be officials. This idea, which in principle resembles the Congress-League Scheme of 1916 (see pp. 47-8, above), seems to undermine the policy of fixing responsibility on a united and collectively responsible body.

Government except for such stated vital reasons as the maintenance of the safety of the Province or the protection of minorities. Financial independence, moreover, would be strengthened by a new allocation of the sources and proceeds of taxation and by wider powers for the raising of loans. Since greater responsibility demanded a broader basis of public opinion, the franchise should be extended and the legislatures enlarged. The immediate adoption of adult suffrage, recommended in the Nehru Report, was declared to be impracticable. It would mean putting more than 100 million names on the register instead of the 6½ million now registered.<sup>1</sup>

The question of making Sind and also Orissa into separate Provinces should be given further expert examination. It should be decided forthwith, however, subject to consideration of the financial issues involved, to separate Burma with its distinctive nationality from the Indian Empire, in which it had only been included in the past for administrative convenience. The North-West Frontier Province was now ripe for the first step in constitutional advance: it should be accorded a legislative council, but without any measure of responsible government as yet, and its representation in the Central Legislature should be strengthened.

In dealing with the Centre the Report again stressed the need of preparing the way for federation. Thus the Central Legislature, it argued, which in 1919 had been established on the national or unitary principle, should be refashioned on the federal principle. The members of the 'Federal Assembly', as the lower house should now be called, should be representatives not of sections of the Indian people at large but of the Provinces, and they should be elected, therefore, not by British Indian constituencies but by the Provincial Councils. The elections and nominations to the Council of State should be likewise on a Provincial basis. For the Assembly the distribution of seats among the Provinces should be roughly in accordance with their population. In the Council of State each Province should have three members.

It was with regard to the Central Executive that the note of 'gradualness' became most audible in the Report. No substantial change was recommended. The whole Government would continue to be an official government, not responsible to the legislature: there should be, indeed there could be, no dyarchy.<sup>2</sup> One reason for this was the need of keeping the Centre strong and stable 'while the provincial councils were learning by experience to bear the full weight of new and heavy responsibilities'.<sup>3</sup> But again the principal reason advanced in the text was not so much concerned with the immediate needs of the political situation as with the ultimate needs of federation. The Provinces must find themselves, as it were, before the nature of their participation in a federal government could be determined. 'It is necessary to take a long view of the development of Indian self-government. . . . A premature endeavour to introduce

<sup>1</sup> *Simon Report*, ii, 91.

<sup>2</sup> *Ibid.*, ii, 175.

<sup>3</sup> *Ibid.*, ii, 148.

forms of responsible government at the Centre before the conditions for its actual practice have emerged would in the end result not in advance but in retrogression.<sup>1</sup>

If the introduction of responsible government at the Centre was thus to await developments in the Provinces, the final federation of all India was depicted as a still more distant consummation. The treatment of that theme, indeed, was not much less cautious and tentative than that in the Montagu-Chelmsford Report. The idea that 'the federation of Greater India can be artificially hastened or that, when it comes, it will spring into being at a bound' was firmly set aside. For the moment only one new step was recommended. In order to 'foster the sense of need for further developments and bring more nearly within the range of realisation other steps which are as yet too distant and too dim to be entered upon and described', a Council for Greater India should be set up, representing both British India and the States, to discuss in a consultative capacity all matters of common concern, a list of which should be drawn up and scheduled. The preamble of the new Act, furthermore, should record the desire to bring about a closer association between the two parts of India.<sup>2</sup>

Thus the advance towards the goal proclaimed in 1917 was still to be by stages of more or less lengthy duration. In one respect, however, the process was to be less offensive to Indian opinion in future. The method of periodical inquiry, said the Report, should be abandoned; and the new constitution should be so elastically framed as to enable it to develop by itself. 'The Provincial legislatures should have power to modify their own composition and procedure, and self-government should grow, as it had grown in England, not so much by making new laws as by usage and convention. The assertion of this principle was of more practical importance than may have seemed at first sight. For it meant the abandonment of the method which had been employed for more than a century past of shaping the government of India by Acts of Parliament at intervals of twenty years or so, and the surrender of the initiative in constitutional advance to Indians. It also seriously weakened the force of the assurance given in the preamble of the Act of 1919 and so firmly repeated at the outset of the Simon Report that 'the time and measure of each advance can only be determined by Parliament'; for, though a new full-dress constitution would require in India, as it had in the Dominions, the authority of an Act of Parliament, it was idle to encourage steady moves towards this ultimate objective by establishing conventions in the British fashion if they were not to obtain, as in Britain, something like the force of law. Those judges in Parliament, in fact, would be confronted with a series of *faits accomplis* which it would be difficult for them, even if they wished, to override.

Such, in bare outline, were the main recommendations of the Simon Commission. In what manner and to what extent, it may now be asked,

<sup>1</sup> *Simon Report*, ii, 146.

<sup>2</sup> *Ibid.*, ii, 202, 206.

had it fulfilled the task allotted to it? That task was primarily to examine the working of the constitutional process begun in 1919, and it will be instructive, therefore, to compare the Simon Report with the one which had inspired the Act of 1919 and laid down the principles on which it was hoped it would work.

If all the complicated detail is stripped away and the core of the two Reports is laid bare, it will be seen that in one vital respect they are similar and in another different.

The similarity was dictated by the facts of the case. Both the Reports were concerned with the development of responsible government in India, and both were confronted with the obstacle presented to this by the divisions of Indian society, above all Hindu-Moslem discord. The Simon Report no more tried to minimise or evade this major difficulty than its predecessor. It examined the problem, indeed, in greater detail, and declared that Hindu-Moslem tension had not been lessened, but had been increased, by the operation of the Act of 1919. It made two new proposals for easing the strain. In the first place it recommended that the elections to the Federal Assembly by the Provincial Councils should be by proportional representation, a device which it rejected for Provincial elections because the constituencies were necessarily so large and relatively so ill-educated. Secondly, the Commission regarded the inclusion of representatives of minorities in the new Provincial cabinets as a foregone conclusion, though it saw no means of guaranteeing it by statute. 'In some Provinces we conceive that a reasonably stable Ministry is hardly possible without the inclusion of Ministers from the main minority groups. In others prudence would dictate the adoption of a similar course, even when it is not inevitable.'<sup>1</sup> The Commission also considered the utility of second chambers in the Provinces as a means of protecting minorities, but this was the only question on which its members were not unanimous, and they made no recommendation on it.

Changes of that kind, however, could only be regarded as palliatives, and there was one major change which the Simon Commission were no more able to recommend than their predecessors. They had to admit that the continuance of separate electorates was an open denial of the existence of a common civic spirit in the two communities. They had, too, to confess that the hopes of 1918 in this respect had not been fulfilled: that, on the contrary, the determination of the great majority of Moslems to retain their separate electorates was stiffer than ever before.<sup>2</sup> They recorded, moreover, that all the Provincial Committees,<sup>3</sup> unanimously or by majorities, and a minority of the Central Committee had decided in favour of their retention. Like Mr. Montagu and Lord Chelmsford, therefore, and with the same intimations of uneasiness and disapproval, they acquiesced. 'No third party, however friendly and disinterested, can do what the two communities might co-operate in doing for themselves by mutual agreement.'<sup>4</sup>

<sup>1</sup> *Simon Report*, ii, 41. <sup>2</sup> See p. 96, above. <sup>3</sup> See p. 99, above. <sup>4</sup> *Simon Report*, ii, 68.

Meantime the Commission suggested that the less objectionable method of reserving a proportion of seats for election by joint electorates might be made more acceptable to minorities if their candidates were previously chosen by means of 'primary' elections.

So far, then, the Reports are similar. Through them both runs the same streak of conflict or contradiction between the pledge to develop responsible government and the fact that, until Hindus and Moslems could agree, responsible government could not work in India as it worked in Britain. The contrast between the Reports lies in the way in which they seek to resolve that conflict. Mr. Montagu and Lord Chelmsford, interpreting responsible government correctly as parliamentary government on the British model, had grounded their hopes of its success in India on their belief that the Indian people, energised by their new liberties and inspired by the vision of their coming nationhood, would themselves destroy the obstacles that barred the path to it. Readers, indeed, of those eloquent appeals to Indian patriotism could not but feel that the Report was addressed at least as much to Indians as to Englishmen. But the Simon Commission made no such direct appeals: their duty was to report to Parliament, and they strictly observed it. So far, moreover, from professing their faith in parliamentary government in India, they repeatedly threw doubt on it. 'The British parliamentary system has developed in accordance with the day-to-day needs of the people, and has been fitted like a well-worn garment to the figure of the wearer, but it does not follow that it will suit everybody.'<sup>1</sup> 'British parliamentarism in India is a translation, and in even the best translation the essential meaning is apt to be lost.'<sup>2</sup> And in concrete detail it was made abundantly clear that the Provincial Councils, in which alone the parliamentary system had been given a trial, had not exhibited the methods or mentality of Parliament. There was a touch of paradox, therefore, in the recommendation that the whole field of administration in the Provinces should now be governed by this system. The reasons given, it will be recalled, were first the necessity of releasing the Provinces from Central control in order to prepare the way for federation, and secondly the failure of dyarchy to fix responsibility. But that had not been the only failure. Parliamentary government had been equally inhibited by the lack of a true party-system and the tendency to divide on purely communal lines, and for that weakness dyarchy had not been primarily to blame. Thus it is not surprising to find that the ultimate establishment of a parliamentary system in the Provinces is now treated as an open question. One of the most significant passages in the Report runs as follows:

Within the general plan there will be scope for variation according to Provincial needs and circumstances. Each of the Provinces . . . will be able to evolve, by a process of growth and development, the form of executive and legislative machinery most suited to it. The essence of the plan is to afford

<sup>1</sup> *Simon Report*, ii, 6.

<sup>2</sup> *Ibid.*, ii, 7.

to Indians the opportunity of judging by experiment in the Provincial sphere how far the British system of parliamentary government is fitted to their needs and to the natural genius of the people.<sup>1</sup>

On a later page this suggestion is heavily underlined.

The British constitution is not a panacea which can be used at all times and in all places. It is not a perfect instrument of democratic government finished and complete. It is a living organism which even to-day is being insensibly modified in accordance with the changing conditions of the times. Its supreme merit is just this adaptability. Many countries have attempted to embody its principles in written instruments, but in the result something entirely different has emerged. A mode of government must in fact be the expression of the political instincts of a people. The British system is not an easy one to imitate, for its success depends on a number of factors which cannot be introduced into the provisions of a statute. In other countries, where a system of shifting groups obtains, the constitutional position of the Government is in effect quite different from that of the Cabinet in the British system. It will, we think, be some time before it is possible to judge how far it is likely that the party system obtaining in Britain will reproduce itself in the Provincial legislatures. It may be that a system of groups may be found to be more consonant with Indian ideas.<sup>2</sup>

This reversion to the old distrust of the possibility of squaring British methods with Indian facts was still more marked in the Report's treatment of the Centre. Since the Central Government it contemplated was to be federal, not unitary, its composition and functions would necessarily be changed; but a federal parliament might still operate more or less in accordance with the British system, as those of Canada and Australia do operate. Yet this idea was emphatically ruled out. The introduction of dyarchy, in particular, was for that reason declared to be impossible.

Dyarchy was adopted in the Provinces as a step on the road towards parliamentary institutions; but we do not think that the evolution of the constitution at the Centre will necessarily follow this path. It appears to us that there is a serious danger of development at the Centre proceeding on wrong lines if the assumption is made that the only form of responsible government which can ultimately emerge is one which closely imitates the British parliamentary system. It is a feature of that system that the Government is liable to be brought to an end at any moment by the vote of the legislature. This arrangement has been arrived at in our own country as the result of a long constitutional development. It is intimately bound up with the adoption of an organised and stable party system, both in the constituencies and in the House of Commons, and depends for its success on the cohesion of groups of representatives and on the reality of their intimate and continuous contact with electors—a thing that is made possible by the small size of the country. It is not an inevitable result of the adoption of representative democracy and, indeed, is hardly found outside the English-speaking world. It seems to us most unlikely that if Britain had been the size of India, if communal and religious divisions so largely governed its politics, and if minorities had had as little confidence in the rule of others as they have in India, popular government in Britain would have taken this form.

<sup>1</sup> *Simon Report*, ii, 17.

<sup>2</sup> *Ibid.*, ii, 147.

In saying this, we are not in the least denying the propositions of the Preamble; we are merely pointing out that the British model is not the only form of responsible government. It is possible to conceive of various methods whereby the Executive will become effectively responsive to the will of the Indian people. But it is too soon to say with certainty which line of advance will be adopted.<sup>1</sup>

The only change recommended, therefore, in the Central Government—and it was an important change—was that in future the members of the Government should not be appointed by the Crown on the advice of the Secretary of State but by the Governor-General, subject, of course, to the Secretary of State's approval.

### III. REACTION

Anyone who re-reads the Simon Report to-day is inclined, perhaps, to overstress the passages in which it dealt with the federal future of India and the difficulty of working the British parliamentary system; for these are precisely the questions to which attention has been drawn by the course of events in the last few years. And certainly in 1930 the divergence between the Montagu-Chelmsford and Simon Reports was not generally realised. To those who did not study the second carefully it seemed to be what they had expected it to be—a more or less harmonious sequel to the first. The Commission had examined the progressive system set up in 1919 and had advised an advance in the Provinces and no advance at the Centre. That was all. And, if more studious readers were induced to begin to think about the problem on new lines, this tendency was checked by the publication of the long dispatch in which Lord Irwin and his colleagues in the Central Government stated their opinions, as they were entitled and required to do, on the new proposals. For the gist of this dispatch was, broadly speaking, 'Back to the Montagu-Chelmsford policy'. The ultimate federal objective was not questioned. The Montagu-Chelmsford Report had itself envisaged it. But 'a federation of all India is still a distant ideal'<sup>2</sup>—so distant that its form could not yet be described, nor the structure of the Central Government modified to suit it. It might, for instance, when the time came, be found desirable to retain within the federation a separate legislature for British India. Meanwhile nothing should be done to weaken unnecessarily the forces of Indian unity. Provincial autonomy must be established as far as possible, but primarily for the reason which the Montagu-Chelmsford Report had given for it, namely, that responsible government in the Provinces necessitated the relaxation of Central control.

But in following this policy we must be careful not to sacrifice the spirit of national unity which has gradually been developing under the centralised British administration. We require a vigorous Central authority capable of sustaining the heavy burdens that necessarily fall upon it. It will be responsible for the defence of the country against external attack, and for the main-

<sup>1</sup> *Simon Report*, ii, 145-6.

<sup>2</sup> *Government of India's Dispatch* (September 20, 1930), Cmd. 3700, 190: cf. 11.



tenance of the ultimate conditions of internal tranquillity; for the finances of India as a whole and its credit in the markets of the world; for its commercial and tariff policy; and for all those matters of common concern which must be handled, by a Central government.<sup>1</sup>

On the recommendations for grounding the Central legislature on the federal instead of the unitary principle Lord Irwin's Government reserved their final judgment, but they made it plain which way their minds were moving. They did not want any drastic change in the existing system. Guardians as they were of India's unity, they felt 'misgivings' at shifting the basis of the Central legislature from direct election on the unitary principle to indirect election on the federal principle. Nor was it only that too much 'provincialisation' at the Centre might endanger the common interests of the country as a whole.

Ten years ago Parliament of its own motion set up for the first time a directly elected Assembly, representative of the whole of India. That Assembly, in part perhaps because it is directly elected, has appealed to the sentiment of India, and sown the seeds, as yet only quickening, of real representation. Accordingly, unless new considerations of greater importance have to be taken into account, we feel reluctant as yet to condemn an experiment undertaken so recently in a country awakening to political consciousness.<sup>2</sup>

In other words the Assembly at Delhi, however unsatisfactory its relations with the Government might be, was doing for Indian nationalism what Mr. Montagu had hoped it would do, and should be allowed to go on doing it.

More decisive was the rejection of the Commission's views on the future character of the Central Government.

It is clear that the aim for the Centre as for the Provinces must be the progressive realisation of responsible government. There already exists in the Legislative Assembly an organ which as it develops will become one of the main instruments of responsible government at the Centre. Responsibility will come as the result of the relations established between the legislature and the executive.<sup>3</sup>

We must look eventually to the emergence of a unitary responsible government.<sup>4</sup>

Development would come, by normal constitutional evolution, through the wise use by the Indian legislature of its opportunities.<sup>5</sup>

It is evident from these passages that Lord Irwin and his colleagues took the correct view of the meaning of 'responsible government', and desired to continue the progressive execution of the pledge of 1917 along the path which had been taken in 1919—the path which led, at the Centre as well as in the Provinces, to something akin to the British parliamentary system. They agreed, however, with the Commission in desiring to avoid a repetition of dyarchy at the Centre, and they suggested that advance might be made by another kind of dualism. The Governor-General, being free to appoint the members of his Government—a further point of agreement with the Commission—should compose it partly of officials and partly of

<sup>1</sup> *Government of India's Dispatch* (September 20, 1930), Cmd. 8700, 190: cf. 12-13.

<sup>2</sup> *Ibid.*, 128. <sup>3</sup> *Ibid.*, 16.

<sup>4</sup> *Ibid.*, 101.

<sup>5</sup> *Ibid.*, 118.

the leaders of parties in the legislature. It would be a unitary Government and none of its members would be responsible to the legislature; but a convention should be established under which certain subjects, such as defence and foreign affairs, would be regarded as those on which the Government was bound by its obligations to the Secretary of State and Parliament, while on other subjects the Government would normally be 'responsive' to the wishes of its unofficial members. Under this dualism, as under dyarchy, progress would be possible, but not by jerks. Gradually fewer officials and more party leaders would be appointed, and the latter would become gradually more responsible to the legislature. 'If we read history aright, it is exactly in this way that each and all of the Dominions have attained to constitutional nationhood.'<sup>1</sup>

That was perhaps an overstatement, but it is true enough that the dualism now proposed resembled the dualism established on Durham's advice between the Governor of Canada, on the one hand, acting as the agent of the British Government in 'reserved' imperial matters, and his Canadian Ministers, on the other, dealing with domestic affairs as responsible leaders of the legislature; and that from that dualism, largely by usage and convention, grew the full self-government of the Dominions.

The views of the committees which had worked alongside the Simon Commission in India were more in line with the Central Government's dispatch than with the Simon Report. None of them was unanimous. In most cases there were lengthy notes of dissent: in other cases the disagreement of members on numerous points of detail was stated in the Report. But, broadly speaking, they all recommended full responsible government in the Provinces, with or without according special powers to the Governor, and dyarchy at the Centre. Some committees advised that communal representation should be retained, others that it should be abolished, and one that 'law and order' should not be 'transferred' at the outset; but in all these cases there were notes of dissent. Of the few original proposals which emerged from the committees two may be mentioned here. The Assam Committee recommended that there should be attached to the Provincial Cabinet an 'Administrative Council' consisting of three persons, two of them senior permanent officials, the third a non-official, at least one of the three being a highly qualified judge or lawyer. Through this body were to be submitted to the Cabinet all proposals connected with the public services, all settlements of land revenue, and generally all important proposals in any department. The Cabinet was to be required by the new Act to consult this body and to be bound by its advice in all matters relating to the recruitment and control of the public services in the Province. The Punjab Committee suggested that, in preference to giving each Province an equal number of seats in the Central Legislature, India should be divided into five more or less equal territorial units for electoral purposes, each unit returning 100 members to the lower and 40 to the upper house.

If the Simon Report failed to make the impression it deserved on British minds, it made none at all on those of Indian nationalists. They were not in the mood to listen to disquisitions on the merits of a far-off federation and the means of advancing slowly towards it. They wanted *Swaraj* at once: the form of it was a secondary consideration. It had been taken for granted, moreover, that full responsible government in the Provinces was the least the Commission could recommend. That concession, therefore, substantial as it was, had been discounted, and the failure to propose any change at the Centre was all the more bitterly denounced. But it seems improbable that anything the Commission might have said could have gained assent among Swarajists. Through the two years and more in which the Commission had carried out its lengthy and exhaustive task, their impatience with the whole procedure had steadily increased; and the weeks in which the last chapters of the Report were going to press had witnessed a recrudescence of organised revolt more serious than anything that had happened since 1921.

At its Session at Lucknow at the end of 1929 the Congress had authorised the Working Committee to start another 'civil disobedience' movement as and when it might deem fit, and in April 1930 the campaign was duly launched under Mr. Gandhi's personal command. A dramatic 'march to the sea' in order to extract its salt in violation of the Government's monopoly was followed by widespread and varied attempts to defy authority and undermine the law. Government schools and colleges were boycotted, and civil servants who refused to support the movement ostracised. Efforts were made to stir up disaffection in the ranks of the army and the police. The countryfolk were incited to refuse to pay rent or land-tax. Mass demonstrations were organised against the regulations for the protection of forests. In some rural areas, particularly in the United Provinces, attempts were made to usurp the functions of government in accordance with *Sinn Féin* precedent in Ireland. Villagers were persuaded or induced by social pressure to submit their quarrels and complaints not to the police and the established courts but to committees set up by the Congress which proceeded to do justice, imposing fines to be credited to the Congress funds and on occasion inflicting physical punishment. But the most striking feature of the movement was the attempt to prevent the sale of British cloth. Shops were picketed by crowds of Congress 'volunteers' who lay in rows on the ground to obstruct the passage of purchasers or the police; and nothing better illustrates the new temper of Indian nationalism than the number of women, many of good family and education, who suddenly emerged from the traditional seclusion of their homes to take their part in these public acts of defiance and commotion. The general result was to put a very serious strain on the forces of law and order. As before, it proved easier to preach the doctrine of 'non-violence' than to ensure its observance. In Bengal, and to a less extent in the Punjab, there was an ugly renewal of 'terrorism'. Officials, Indian as well as British, were

attacked with bombs and revolvers. A daring raid was made on the armoury at Chittagong. In course of time, however, Lord Irwin's Government succeeded in restoring its authority. At an early stage of the disorders the Congress Working Committee had been declared an unlawful association, and Mr. Gandhi and Pandit Jawaharlal Nehru had been arrested. Multitudes of their disciples soon shared their fate. By the end of 1931, over 60,000 persons had been tried and sentenced to terms, mostly short, of imprisonment.

With the one brief exception of the Caliphate Movement the Moslem community had never taken part in 'extremist' or illegal agitation, and Mr. Gandhi's new campaign was quickly denounced by Moslems. At a meeting of the All-India Moslem Conference at Bombay in April, Mr. Muhammad Ali, who had been Mr. Gandhi's ally in those Caliphate days and had recently joined in the Congress' rejoinder to Lord Irwin's plea for co-operation, delivered from his presidential chair a long and vigorous attack on Mr. Gandhi's policy. He had had an adventurous career, and could scarcely be regarded as a typical representative of his community, but he was capable of saying forcibly and bluntly what most Moslems felt. Thus on this occasion he declared that, while Indian Moslems were opposed to British domination, they were equally opposed to Hindu domination. 'We refuse to join Mr. Gandhi, because his movement is not a movement for the complete independence of India but for making the seventy millions of Indian Musalmans dependants of the Hindu Mahasabha.'<sup>1</sup> Once more, in fact, a nationalist demonstration had provoked a counter-demonstration of communalism; and once more Mr. Gandhi's agitation was accompanied by communal disorders. Fortunately they were not on a large scale, but there were riots in Bombay, the United Provinces and Assam, and at Dacca in Bengal the fighting lasted for ten days.

The Commission referred to the grave situation in India in the final paragraphs of their Report.

In writing this Report we have made no allusion to the events of the last few months in India. In fact, the whole of our principal recommendations were arrived at and unanimously agreed upon before these events occurred. We have not altered a line of our Report on that account, for it is necessary to look beyond particular incidents and to take a longer view.

Our object throughout has been to bring to the notice of the British Parliament and the British people such information as we are able to supply about the general conditions of the problem which now awaits solution, together with our considered proposals. We hope, at the same time, that our Indian fellow-subjects, after doing us the courtesy of studying the Report as a whole (for isolated sentences may give to any reader a wrong impression), will find that what we have put forward has been written in a spirit of genuine sympathy.<sup>2</sup>

But neither here nor anywhere else in their Report did the Commission attempt a full assessment of the meaning of Indian nationalism and the forces that sustained it. As has been observed, moreover, and as the

<sup>1</sup> *Times of India*, April 24, 1930. This report states that the meeting was attended by over 20,000 Moslems.

<sup>2</sup> *Simon Report*, ii, 815.

passage just quoted shows, they were writing for British readers and only secondarily for Indian; and it was therefore natural, perhaps, that their allusions to India's coming nationhood should lack the warmth and colour of those direct appeals in the Montagu-Chelmsford Report. But in one respect the Commission seemed to have deliberately ignored the Indian point of view. In 1928 the Nehru Committee had asked for Dominion Status. In 1929 the Viceroy, with the British Government's authority, had declared that Dominion Status was the natural issue of the policy announced in 1917. Yet the phrase was never used in the Simon Report, and this was so obviously intentional that it was bound to increase the mistrust which Lord Irwin's declaration had aimed at dissipating. It may well have been impossible for the Commission to achieve anything like an understanding with Indian nationalism. Any chance of accord there may once have been had passed, as suggested above, when the Commission was appointed. None the less it was a great misfortune that the gulf between the Commission and the nationalists should have yawned so wide that they seemed to have lost all touch with one another. On that account, indeed, the tranquil reasonings of the Report seemed to acquire an air of unreality by contrast with the scenes of rebellion and repression in India. And this was the more regrettable since the Commission, so far from betraying a lack of insight or comprehension, had laid bare in one short passage—the most pregnant passage in the whole Report—the very roots of Indian nationalism.

We should say without hesitation that, with all its variations of expression and intensity, the political sentiment which is most widespread among all educated Indians is the expression of a demand for equality with Europeans and a resentment against any suspicion of differential treatment. The attitude the Indian takes up on a given matter is largely governed by considerations of his self-respect. It is a great deal more than a personal feeling; it is the claim of the East for due recognition of status.<sup>1</sup>

<sup>1</sup> *Ibid.*, i, 408.

## CHAPTER IX

### THE ROUND TABLE CONFERENCE

#### I. FIRST SESSION

THE Round Table Conference opened on November 12, 1930. Of its eighty-nine members, sixteen were representatives of the three British parties, with Mr. Ramsay MacDonald, Prime Minister of the Labour Government of the day, at their head. The fifty-seven members of the British Indian delegation had been invited to attend by the Viceroy as representatives of all the Indian parties and interests except the non-co-operating Congress. Most of the names which have figured on earlier pages of this book were on the list—among the Hindu Liberals Sir Tej Bahadur Sapru, Mr. Sastri, Mr. Jayakar and Mr. Chintamani; among the Moslems the Aga Khan, Sir Muhammad Shafi, Mr. Muhammad Ali, Mr. Fazl-ul-Huq and Mr. Jinnah. The leading representative of the Sikhs was Sardar Sampuran Singh, of the Mahasabha Dr. B. S. Moonje, of the Depressed Classes Dr. Ambedkar, of the Indian Christians Mr. K. T. Paul, of the British business community in India Sir Hubert Carr, and of the Anglo-Indians Lieutenant-Colonel Gidney. The sixteen delegates from the States included the rulers of Alwar, Baroda, Bhopal, Bikaner, Kashmir, Patiala, and a few other smaller States. Hyderabad was represented by Sir Akbar Hydari, a member of the Nizam's Executive Council, Mysore by Sir Mirza Ismail, the prime minister, and Gwalior by Colonel Haksar, a member of the Council of Regency.

The Conference was a unique historical event. Never before had representatives of 400 million people, owing allegiance to one sovereign, assembled to discuss their common concerns. Nor ever before had delegates from all British India and the States either met each other or met delegates of Britain at the council table. For the Indian members of the Conference it must have been a useful experience. For the British members and for the public who watched the proceedings in the Press and the printed reports it was an education in Indian politics. Students of India had been provided with more literature on the subject—books, state papers, debates, journalism—in the course of the last twenty years than in any previous generation; but now the whole complex of the Indian problem was brought to life, so to speak, before their eyes on the London stage. Yet not quite the whole. There was a gap in the company. The largest and most vigorous organism in Indian politics, the one which appealed most strongly to the youth of India, was not represented. The attitude of the Congress was still implacably hostile. The Conference, said its spokesmen, was a collection of hand-picked Government men: their voice was not the voice of India.

At the opening of the Conference a new note was sounded. The Dominions had been interested in the development of Indian trade, and South Africa had engaged in a sharp controversy about the treatment of its immigrant Indian population; but hitherto the political problem had been treated, broadly speaking, as one in which only Britain and India were involved. Now the Dominions were brought into the picture. The recent 'quickenings and growth in ideals and aspirations of nationhood', said King George V in his inaugural speech, had not been confined to India, they had affected all the nations of the British Commonwealth, and he welcomed the presence of the Dominion High Commissioners at the opening ceremony as proof of a 'community of interest'. 'Each one of you', he told the Conference, 'will, with me, be profoundly conscious how much depends for the whole of the British Commonwealth on the issue of your consultations.'<sup>1</sup> This was a salutary reminder; for it had sometimes been forgotten that the position of India in world politics was a matter on which none of the Dominions, and least of all Australia and New Zealand, could be indifferent.

On the fundamental issue of Dominion Status there was a marked difference at the outset in the attitude of the British and the Indian members of the Conference. It was now admitted on the British side that India would obtain Dominion Status when the process of realising responsible government in India as a part of the British Empire was complete. But the British representatives, whatever their party, were not prepared to say that the process could be completed at once. Full responsible government in the Provinces under temporary safeguards they were ready to concede: it had been recommended in both the Simon Report and the Government of India's Dispatch. The crux was at the Centre, where the Report had vetoed responsible government outright and the Dispatch had advocated only 'responsive' government. And Dominion Status involved another question which, it seemed, could not be quickly answered. The difficulties of British India attaining Dominion Status by itself were obvious; they had been too lightly brushed aside by the Nehru Committee; yet the alternative, the union of British India with the States in an all-India federation, had been relegated to an almost as distant future in the Simon Report and the Dispatch as in the Montagu-Chelmsford Report. On the British side, therefore, the only practical question of the moment seemed to be whether, pending the far-off federation, to keep the Central frame of government essentially unitary, as the Dispatch and the Nehru Report proposed, or to readjust it on federal lines as advised by the Simon Commission.

Most of the Indian members of the Conference, on the other hand, wanted a more concrete and immediate response to the claim for Dominion Status. The first speech in the five-days' general discussion with which the proceedings began was appropriately made by Sir Tej Bahadur Sapru, one of the leading disciples of Mr. Gokhale's old 'colonial' school and also a

<sup>1</sup> *Indian Round Table Conference*. (Nov. 12, 1930—Jan. 19, 1931) [Cmd. 3778], 15.

member of the Nehru Committee. 'India wants', he said, 'and is determined to achieve a status of equality—equality with the other free members of the British Commonwealth, an equality which will give it a Government not merely responsive but responsible to the popular voice.'<sup>1</sup> There were matters, he admitted, such as defence, which could not be completely or immediately entrusted to Indian Ministers, but those could be dealt with by 'safeguards' during a period of transition. 'Provide as many safeguards as you can,' he said to his British colleagues, 'so long as those safeguards do not destroy the vital principle, and then go ahead with courage and with faith.'<sup>2</sup> Nor did he burke the difficulty of the relations of the States with a responsible government at the Centre. Leaving the Nehru Report behind him, he declared himself decisively for a federal, not a unitary, system, and invited the Princes to agree forthwith to the creation of an all-India federation. They would furnish, he said, 'a stabilising factor in our constitution'; their adherence would enable the process of national unification to begin without delay; and British India would benefit from their experience in matters of defence.<sup>3</sup>

The Princes quickly responded to this challenge. The very next speaker was the Maharajah of Bikaner, and he at once identified himself and his order with the aspirations of British India and 'that passion for an equal status in the eyes of the world, expressed in the desire for Dominion Status, which is the dominant force amongst all thinking Indians to-day'. Next he agreed that India must be united on a federal basis. 'The establishment of a unitary state, with a sovereign parliament sitting at Delhi to which the whole people would look in small things as in large, is to my mind impossible.' The constitution must be federal, and, while the Princes could not be in any way coerced, they would come in to an all-India federation of their own free will, provided their rights were guaranteed.<sup>4</sup> Thus, in a moment, the ideal of federation was brought down from the clouds. But not yet quite to earth. For, if other Princes in the course of this opening discussion echoed the sentiments of their first spokesman, none of them suggested that federation was an immediate possibility or expressed opinions on the question of responsible government at the Centre.

Thus far, then, there was an impressive measure of concord on the Indian side. Nor was it broken at this stage by the minorities. Sir Muhammad Shafi for one wing of the Moslem community and Mr. Jinnah for the other were both in full agreement with Sir Tej Bahadur Sapru. Both asked for Dominion Status and for the responsible government at the Centre which it implied. Both welcomed an all-India federation.<sup>5</sup>

Of the other speeches Mr. Jayakar's may be singled out, because among the group of Indian Liberals at the Conference he stood nearest to the absent Congress and could best interpret its mind. What he said was reassuring as far as it went. He begged the British representatives not to shrink from

<sup>1</sup> *Ibid.*, 28.<sup>2</sup> *Ibid.*, 32.<sup>3</sup> *Ibid.*, 29.<sup>4</sup> *Ibid.*, 36-7.<sup>5</sup> *Ibid.*, 55, 147, 149.



ceneeding Dominion Status to India for fear that it might be used to cut the connexion with the British Empire. 'If you give India Dominion Status to-day, the cry of independence will die of itself.'<sup>1</sup>

Two other features of this opening debate should be noted. The first was the reaction of Indian speakers to the principles of federalism, now that an Indian federation seemed suddenly to have come within the scope of practical politics. Much of what was said about the great diversity of Indian life and the need for giving all its varied elements a chance of free development within the framework of a wider national unity had been said before, but now it was said for the first time by Indians. 'To struin after uniformity in the federal structure', said the Maharajah Gaekwar of Baroda, 'would be a mistaken policy. There should be perfect freedom given to each unit to develop along its own peculiar lines.'<sup>2</sup> Begunn Shah Nawaz, speaking for the women delegates, declared that the federal form of government was the only way 'to weld together a continent like India into one great nation'.

Such a form will give to our people in their respective Provinces, in their natural surroundings and in their own traditional culture, freedom and scope for the full development of the different faculties given to them by Providence. Provincial genius in every sphere of life will better flower amidst its own native surroundings. . . . A Tagore in Bengali and a Muhammad Iqbal in Urdu could enrich the world.<sup>3</sup>

Mr. Jadhav reminded the Conference of the great traditions of the Marathas and their military prowess.<sup>4</sup> Raja Sher Muhammad Khan spoke of the Punjab as 'the shield, spearhead and sword-hand of India', and proposed that the federal army of the future should be 'supplemented by citizen militia or military police maintained by each federal Province'.<sup>5</sup> Nor, of course, was the communal aspect of federalism overlooked. Mr. Muhammad Ali, for example, avowed his willingness to accept the principle of 'majority rule' in a federal India. 'Luckily', he said, and the remark recalled the 'novel suggestion' of the Nehru Report, 'there are Mussulman majorities in certain Provinces.'<sup>6</sup>

A second notable feature of the opening debate—and it persisted throughout the Conference—was the unhesitating assumption by the great majority of the delegates that the system of government, in the Provinces and at the Centre alike, should be the British parliamentary system. Only the Conservative section of the British delegation suggested that at the Centre at any rate some other system might be contemplated.

British Parliamentarians though we be [said Lord Peel] we have not thought that our parliamentary methods should be transferred wholesale from Westminster to Delhi, but have suggested that we might well consider for India the Swiss or American parliamentary models. . . . We were anxious

<sup>1</sup> *Ibid.*, 118-119.

<sup>2</sup> *Ibid.*, 118-119.

<sup>3</sup> *Ibid.*, 489. Cf. the Nawab of Bhopal, *ibid.*, 288.

<sup>4</sup> *Ibid.*, 174.

<sup>5</sup> *Ibid.*, 168.

<sup>6</sup> *Ibid.*, 104.

that the [chambers of the] Central legislature should be so composed that the tie with the Provinces should be firmly impressed on their constitution and that, while making laws for all India, they would be acting as the agents and interpreters of Provinces and of States.<sup>1</sup>

But that was a solitary expression of opinion. No one echoed it. The British system held the field.

Soon after the opening discussion both the questions, now linked together, of Dominion Status (with its implication of responsible government at the Centre) and of an all-India federation were brought to a new and more practical stage by an unexpected move on the Princes' part. They were willing, it appeared, to consider an immediate federation on two conditions. British India must be federalised, and the Central Government must cease to be a purely official government and become in some degree responsible to the Central legislature. 'We can only federate', said the Nawab of Bhopal, 'with a self-governing and federal British India.'<sup>2</sup> Since none of the British Indian representatives was contemplating a bilateral federation between a unitary British India and the States, this declaration virtually created a common Indian front; and, if the British representatives had so far hesitated to commit themselves, they could hesitate no longer. For their chief doubts about the immediate introduction of responsible government at the Centre had arisen from the fear, expressed both by the Simon Commission and by Lord Irwin and his colleagues in their Dispatch, of exposing the Centre to the strain of political and communal controversy during a difficult period of transition, and this fear was certainly diminished by the belief that the States' participation in the Central sphere of government would be, as Sir Tej Bahadur Sapru had said, 'a stabilising factor'.

The main issue having thus in principle been decided, the constructive work of the Conference proceeded apace. It had been divided up among a number of subcommittees, of which the most important and the strongest in personnel was the Federal Structure subcommittee, with six British members (one of whom, Lord Sankey, the Lord Chancellor, was chairman), five representatives of the States and ten of British India. Its final report, presented on January 15, 1931, contained a comprehensive series of provisional decisions, on most of which the subcommittee were more or less agreed. They may be summarised as follows.

(1) The Federation should be provided with a bicameral federal legislature. The upper house should be elected by the Provincial legislatures by the method of the single transferable vote, seats being allotted to the Provinces on a population basis. On the method of election to the lower house no decision was recorded. The British Indian representatives, it was

<sup>1</sup> *Ibid.*, 447.

<sup>2</sup> *Ibid.*, 237.

reported, were 'almost without exception' in favour of retaining the existing system of direct election by general constituencies. Other members of the Committee felt that 'direct election would seriously prejudice the success of the federal ideal' and recommended indirect election through the Provincial legislatures or otherwise.<sup>1</sup> On the proportion of seats to be allotted to the States in both houses there was also a difference of opinion. The States' representatives claimed half the seats in the upper house and 'weightage' in the lower. The British Indian representatives would accept only some 'weightage' for the States in the upper house, and none in the lower.

(2) Executive authority should be exercised, in accordance with Dominion precedent, by the Governor-General as representing the Crown, advised by a Council of Ministers. The Governor-General should be instructed to invite one Minister to form a Government which would be collectively responsible to the legislature. There was 'general agreement' that 'the assumption by India of all the powers and responsibility which have hitherto rested on Parliament cannot be made at one step and that during a period of transition the Governor-General shall be responsible for defence and external relations'.<sup>2</sup> Opinion was divided as to the position of the Governor-General's advisers on these 'reserved' subjects, some members of the subcommittee holding that, though responsible to the Governor-General and not to the legislature, they should be regarded as ordinary members of the Council, other members arguing that this would destroy the collective responsibility of the Council. (It will be observed that this division of opinion reproduced the controversy of 1916-18. One side was reverting to the principle of the Congress-League Scheme;<sup>3</sup> the other, though it did not use the word, was recommending dyarchy.) Apart from the 'reserved' subjects, it was agreed that the Governor-General should also be free, during the transition period, 'to act on his own responsibility', if the situation should require it, in order to preserve the peace and tranquillity of the country in the last resort, to protect minorities, and to secure the rights of civil servants, and that in the event of a breakdown of the constitution he should have power to carry on the government.

(3) As regards finance, it was agreed that funds for the administration of the 'reserved' subjects should be secured to the Governor-General by making them a non-votable first charge on the revenue and by giving him legislative power for use at need. It was also agreed that the maintenance of India's financial stability and credit at home and abroad was 'a fundamental condition of the success of the new constitution'.<sup>4</sup> To that end, (a) the Governor-General should be empowered to intervene in budget and loan questions if he thought that the credit of India was being seriously prejudiced; (b) a non-political Reserve Bank should be established to

<sup>1</sup> *Ibid.*, 220.

<sup>2</sup> *Ibid.*, 218.

<sup>3</sup> See p. 48 above.

<sup>4</sup> *Indian Round Table Conference* (Nov. 12, 1930—Jan. 19, 1931), 215.

manage currency and exchange; (c) amendments of the Paper Currency or Coinage Acts should require the Governor-General's previous sanction; and (d) the service of loans and the salaries and pensions of officials appointed under the Secretary of State's guarantee should be treated, like the supply for the 'reserved' subjects, as consolidated fund charges. Subject to those limitations, finance would be under the legislature's control. In raising taxation, in fiscal policy, and in expenditure on the 'transferred' subjects the Finance Minister's position would be the same as that of any other responsible minister.

Such in outline was the scheme for the Centre drawn up by the members of the Federal Structure subcommittee. It will be seen in due course that this scheme, devised at this early stage, was in its essentials the scheme adopted in the final constitution of 1935.

The reports of the other subcommittees can be more briefly treated.

The Provincial Constitution subcommittee, as was expected, recommended that dyarchy should be abolished and all subjects administered by a collectively responsible cabinet, subject to the Governor's powers of intervention for the same or similar special purposes as those enumerated with regard to the Governor-General by the Federal Structure subcommittee. Minority interests should be represented in the Cabinet, and the Governor should be instructed to endeavour to secure such representation. Whether the legislature should be unicameral or bicameral should be decided in accordance with the wishes of each Province.

The Franchise subcommittee decided by a majority that, while adult suffrage should be the goal, it could not be attained at once, and that a commission should be appointed to arrange for an extension of the existing franchise so as to include from 10 to 25 per cent. of the population, special provision being made for the adequate enfranchisement of women.

The Sind subcommittee, Dr. Moonje and one other member dissenting, accepted the separation of Sind from Bombay in principle and recommended the appointment of a committee to examine the financial questions involved.<sup>1</sup>

The North-West Frontier Province subcommittee recommended that the Governor should henceforth be advised by two Ministers, at least one of whom should be an elected member of the Legislative Council.<sup>2</sup>

The Defence subcommittee were agreed in declaring that 'the defence of India must to an increasing extent be the concern of the Indian people and not of the British Government alone',<sup>3</sup> and in recommending that the rate of Indianisation in the Indian Army should be substantially increased.

<sup>1</sup> It was intimated that separation ought not to be decided on unless the representatives of Sind undertook to make the Province financially self-supporting.

<sup>2</sup> The N.W.F.P. was made a Governor's Province in 1932 under S. 52 A of the G. of I. Act as amended in 1919, with a Leg. Co. of 40 members, one Executive Councillor, and one Minister.

<sup>3</sup> *Indian Round Table Conference* (Nov. 12, 1930—Jan. 19, 1931), 394.

A minority desired that a time-limit should be fixed for complete Indianisation subject to the needs of efficiency and the provision of recruits.

The Services subcommittee recommended that the rights of existing civil servants should be safeguarded, that only the Indian Civil Service and Indian Police Service should be maintained henceforth on an all-India basis, and that they should be recruited and controlled in future by the Government of India.<sup>1</sup>

There remained the Minorities subcommittee—a body of thirty-nine members, of whom thirty-three were Indians, with the Prime Minister in the chair. The Committee unanimously accepted the principle 'that the new constitution should contain provisions designed to assure communities that their interests would not be prejudiced'.<sup>2</sup> It was also agreed that the claims of the various communities to employment in the civil services should be adjusted by Public Service Commissions at the Centre and in the Provinces. As regards the system of election to the legislatures the Committee was agreed on rejecting nomination as a method of securing communal representation, but on nothing else. The old battle of the electorates was fought again with the same arguments and the same result. The only method which could be regarded as 'generally acceptable'—and that did not mean acceptable to all—was separate electorates. But there was one new feature in the discussion. On behalf of the Depressed Classes Dr. Ambedkar demanded that those classes should be regarded for electoral purposes as a separate community, disjoined from the Hindu population at large. The last paragraph of the report recorded that 'the Minorities and Depressed Classes were definite in their assertion that they could not consent to any self-governing constitution for India unless their demands were met in a reasonable manner'.<sup>3</sup>

The communal controversy was not confined to the committee room. It was a marked feature of many of the discussions of the Conference as a whole. But in the Conference as in the subcommittee no new light was thrown on the problem, no new means of solving it suggested. The Hindu Liberals did not contest the overriding need for communal co-operation. 'It has been an article of faith with me', said Sir Tej Bahadur Sapru, 'that no constitution has any chance of success in India unless the minorities are fully satisfied that they have got a position of honourable safety in the new commonwealth which we are seeking to establish.' But 'the heart of the youth of India on this question', he went on, 'is absolutely sound', and sooner or later a sense of 'territorial patriotism' must grow.<sup>4</sup> It would grow, said Mr. Jayakar, if the communities were given a chance of serving

<sup>1</sup> This brief summary omits many minor points in the various committees' reports. It also omits the Burma subcommittee, which reported on ways and means of carrying out the separation of Burma from India, already decided in principle. A Burma Round Table Conference was held in 1932 and a Government of Burma Act passed in 1935.

<sup>2</sup> *Indian Round Table Conference* (Nov. 12, 1930—Jan. 19, 1931), 332.

<sup>3</sup> *Ibid.*, 335.

<sup>4</sup> *Ibid.*, 264.

India together. 'Give them opportunities of feeling that side by side they are working for their one country . . . and a great deal of the difficulty will disappear.'<sup>1</sup> The Moslems for their part did not repudiate these aspirations, but they repeatedly insisted that their claims must be met. Both Sir Muhammad Shafi and Mr. Jinnah had made that a condition of the support they gave their fellow-countrymen in their demand for Dominion Status. Mr. Fazl-ul-Huq declared that democracy meant government by *all* the people and cited the well-known passage in which John Stuart Mill asserted that, unless the minority is as fully represented as the majority, 'there is no equal government but a government of inequality and privilege'. And he warned the Hindus not to disregard 'the fervour in the Muslim community'. 'Muslim India has been deeply stirred.'<sup>2</sup> 'We have never on any occasion', said Dr. Shafa'at Ahmad Khan, speaking for the Moslems of the United Provinces, 'opposed any advance either in the Centre or in the Provinces. We have never tried to create an Ulster in India; that has never been . . . our wish. On the contrary, we have said that we will fight shoulder to shoulder with our brethren for the cause of India, our common Motherland. But we have at the same time made it perfectly clear . . . that our safeguards, our rights, the rights for which we have been fighting for years must be preserved and guaranteed.'<sup>3</sup> But it was Mr. Muhammad Ali's pungent rhetoric that again went deepest. 'Make no mistake about the quarrels between Hindu and Mussalman', he said; 'they are founded only on the fear of domination.' And he reminded the Conference that Islam was not confined to India. 'I belong to two circles of equal size but which are not concentric. One is India and the other is the Muslim world. . . . We are not nationalists but supernationalists.'<sup>4</sup>

Before the Conference closed the Moslem delegation as a whole made a formal statement of its position. The Moslems, it declared, had taken part in the work of the subcommittees in a spirit of compromise and in the hope of settling the Hindu-Moslem problem; but no settlement had been achieved.

In these circumstances we feel that the only course that is consistent alike with the position of our community and its peculiar needs and the smooth working of the new constitution . . . is to reiterate our claim that no advance is possible or practicable, whether in the Provinces or in the Central Government, without adequate safeguards for the Muslims of India, and that no constitution will be acceptable to the Muslims of India without such safeguards.<sup>5</sup>

It was generally felt that little was to be gained by further discussion of the communal or other problems at this stage. No attempt, accordingly, was made to secure a formal acceptance of the subcommittees' reports. Their contents were 'noted' by the Conference, and comments on them put on record. On January 16 and 19 the work of the Conference was reviewed

<sup>1</sup> *Ibid.*, 42.

<sup>2</sup> *Ibid.*, 160.

<sup>3</sup> *Ibid.*, 432.

<sup>4</sup> *Ibid.*, 123. Mr. Muhammad Ali, who was ill when he came to England, died before the Conference ended.

<sup>5</sup> *Ibid.*, 246.

in a sequence of thirty-five speeches. Their general tone was as harmonious and optimistic as that of the opening session. The agreement on an all-India federation was hailed as a great achievement. 'By far the larger proportion of the States', said the Maharajah of Patiala, 'will come into the federal structure at once, and the remainder will soon follow.'<sup>1</sup> Generous tributes were also paid by Indian representatives to 'the fine spirit', as Sir Tej Bahadur Sapru put it, 'which has been shown not merely by His Majesty's Government but by the entire section of the British delegations'.<sup>2</sup> 'They could have exploited our differences', said Mr. Mody. 'That they withstood the temptation to take a narrow and selfish view is a testimony alike to the spirit in which they have faced their responsibilities and the perception they have shown of the urgency and importance of the issues at stake.'<sup>3</sup> 'With the history of the Conference fresh in our minds', said Colonel Haksar, 'can we doubt that the policy of Britain to-day . . . has been to unite, to conciliate, to strive in every way to bring about harmony and agreement?'<sup>4</sup>

The proceedings closed with a statement by the Prime Minister. The Government, he said, took the view 'that responsibility for the government of India should be placed on the Central and Provincial legislatures' with the reservation of certain powers during a period of transition. It accepted the proposals for full responsible government in the Provinces and for responsible government with 'some features of dualism' at a federalised Centre.

In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India to full responsibility for her own government.<sup>5</sup>

As to the communal controversy it was 'the duty of the communities to come to an agreement among themselves'.

The Government will continue to render what good offices it can to help to secure that end, as it is anxious not only that no delay should take place in putting the new constitution into operation, but that it should start with the goodwill and confidence of all the communities concerned.<sup>6</sup>

Finally, the hope was expressed that 'those engaged at present in civil disobedience' might respond to the Viceroy's appeal and take their part in the co-operative work that lay ahead.

## II. SECOND SESSION

Throughout the first session of the Conference the Congress was still in full revolt. The civil disobedience movement had been checked by the Government's firm conduct, but not entirely suppressed. In the spring of

<sup>1</sup> *Ibid.*, 443.

<sup>4</sup> *Ibid.*, 472.

<sup>2</sup> *Ibid.*, 496.

<sup>5</sup> *Ibid.*, 505-6.

<sup>3</sup> *Ibid.*, 464.

<sup>6</sup> *Ibid.*, 507-8.

1931, however, a truce at last was called, mainly owing to the Viceroy's personal efforts. His direct negotiations with Mr. Gandhi resulted in the conclusion on March 5 of the 'Irwin-Gandhi Pact', under which the British Government agreed to release 'political prisoners' and the Congress to suspend the civil disobedience movement. It was also understood that the Congress would no longer boycott the Conference; and when shortly afterwards it met at Karachi, it appointed Mr. Gandhi to represent it at the second session of the Conference 'with the addition of such delegates as the Working Committee may appoint to act under his leadership'.<sup>1</sup> In the event, while several other Congressmen attended the Conference as individuals, Mr. Gandhi was regarded as the Congress' sole representative and spokesman. But a second resolution limited his powers of negotiation. It declared that 'the Congress goal of *Purna Swaraj* remains intact', and that any Congress delegation at any Conference with the British Government would work for it

in particular so as to give the nation control over the defence forces, foreign affairs, finance and fiscal and economic policy, and to have a scrutiny by an impartial tribunal of the financial transactions of the British Government in India and to examine and assess the obligations to be undertaken by India or England, and the right of either party to end the partnership at will, provided however that the Congress delegation will be free to accept such adjustments as may be demonstrably necessary in the interests of India.<sup>2</sup>

The second session of the Conference opened on September 7, 1931. Most of the leading personalities at the first session were back in their seats, and there was a distinguished group of newcomers besides Mr. Gandhi, including Sir Muhammad Iqbal, the poet, Dr. S. K. Datta, a leading Indian Christian, Mr. G. D. Birla, a wealthy business-man, and such well-known nationalists as Pandit Madan Mohan Malaviya, Mrs. Naidu and Sir Ali Imam. The composition of the British delegation was much the same as before, but, though the Prime Minister was still Mr. MacDonald, the Labour Government had been replaced by a National Government shortly before the Conference met, and Sir Samuel Hoare had succeeded Mr. Wedgwood Benn as Secretary of State for India.

Two other extraneous events had a bearing on the work of the Conference. In the previous June the Government had informed the House of Commons that the financial resources of the Government of India had been so strained by the combined effects of the worldwide economic depression and of the uncertainty as to the future financial position of India under the new constitution that the Government might be obliged to ask Parliament, if the need should arise, to authorise financial assistance to the Government of India for 'maintaining the credit of the country pending the settlement of the constitutional problem'.<sup>3</sup> The assistance was not in fact required; but the continued gravity of the general financial crisis was manifested, while

<sup>1</sup> *Congress in Evolution*, 30.

<sup>2</sup> *Ibid.*, 29-30.

<sup>3</sup> *Hansard*, ccliv (1931), 769.



the Conference was sitting, by the British Government's abandonment of the gold standard. The second event was the enactment of the Statute of Westminster, which was passing through its later stages in Parliament when the Conference opened, and received the royal assent ten days after it had closed. The debates were interesting and informative, and enabled those who followed them—including, no doubt, some members of the Conference—to understand the meaning of Dominion Status better than they had before.

The main work of the Conference was done by two large committees on Federal Structure and Minorities which re-examined and amplified the reports presented by the corresponding subcommittees at the first session.

Mr. Gandhi was a member of both committees, and it was hoped that through his mediation some compromise might be attained between the policy of the Conference—if the scheme which had emerged from its first session can be so described—and the policy of the Congress. But, while Mr. Gandhi's personality made a deep impression on individuals and on the public outside the Conference, his performance inside it was disappointing. In the first place he claimed to represent all India because the Congress, as he explained in his first speech and on other occasions, was, as its name implied, a national, not merely a party, organisation. It not only represented 'over 85 per cent. of the population of India, that is to say the dumb, toiling, semi-starved millions', irrespective of race and creed and including the outcasts; it also represented all the communal minorities. There were four Moslems, for instance, among the fifteen members of the Working Committee, and 'thousands' of Moslems in the rank and file. Nor was it only all British India that the Congress stood for. It had supported State claims on two occasions and 'endeavoured to serve the Princes by refraining from any interference in their domestic affairs'. It claimed, therefore, 'by right of service to represent even the Princes'.<sup>1</sup> At one point of the discussions Mr. Gandhi seemed to press his claim still further. The Congress, he suggested, not only represented all India but was its only proper representative, since the non-Congress Indian delegates had not been chosen by the people but nominated by the Government.<sup>2</sup> In these assumptions none of the Indian members of the Conference except the Congressmen could be expected to acquiesce. Sir Muhammad Shafi, for example, pointed out that all the chief political parties and organisations in British India were represented by their presidents or ex-presidents or leading members.<sup>3</sup> But for practical purposes Mr. Gandhi's claim to speak for all India would not have mattered if he had been able to come to terms with the British and the other Indian delegates. As it was, he frequently expressed his desire for a general agreement. 'I will count no sacrifice too great', he said once, 'if by chance I can pull through an honourable settlement.'<sup>4</sup>

<sup>1</sup> *Indian Round Table Conference (Second Session), Proceedings of Committees*, 16; *Proceedings of the Conference*, 890.

<sup>2</sup> *Ibid.*, 581.

<sup>3</sup> *Proceedings of Committees*, 580.

<sup>4</sup> *Proceedings of the Conference*, 898.

But he seemed unwilling or unable to make any practical suggestions of his own for bringing a settlement about. This was soon apparent in the Federal Structure committee. The Liberals and the Moslems firmly adhered to the decision of the first session as to dyarchy at the Centre during a period of transition. The only new point of importance was the Liberal plea that the Ministers in charge of the 'reserved' subjects, while responsible to the Governor-General, might be Indians chosen from among the elected members of the legislature. But Mr. Gandhi was not prepared to acquiesce in dyarchy or in a period of transition. He insisted on the terms of what he called his 'mandate', the Karachi resolution. Responsible government at the Centre as in the Provinces must be established in full and at once. 'I am here very respectfully to claim, on behalf of the Congress, complete control over the army, over the defence forces and over external affairs.' He did not propose that the British troops in India should be at once withdrawn, but he hoped they would learn to obey an Indian Government in the knowledge that in serving India they were serving Britain.

If you British Ministers and British people really wish well by India, if you will transfer power now to us, then regard this as a vital condition, that the Army should pass under our control in its entirety. But then I have told you that I know the risk that is attendant upon it. That Army will not accept my command. I know that very well. I know that the British Commander-in-Chief will not accept my command; nor would the Sikhs, nor the proud Rajputs—none of them would accept my command. But I expect, even so, to exercise that command with the goodwill of the British people; that they will be there at the time of transferring the command to teach a new lesson to these very soldiers, and to tell them that they are after all serving their own countrymen if they do so.

That, he admitted, was a 'dream', not to be realised yet awhile; but he did not explain how in the meantime the presence of British troops in India could be harmonised with the immediate and complete control of the whole defence of India by an Indian parliament.<sup>1</sup> It was the same with finance. Safeguards were not needed. India could be trusted to fulfil her obligations when impartial scrutiny had shown what they really were. Thus the opportunity of compromise afforded in the last sentence of the Karachi 'mandate' was not made use of. More than once Mr. Gandhi declared his willingness to contemplate safeguards in general, but again he made no positive proposals as to what they should be. Only on one issue—and it was an important issue—did Mr. Gandhi come nearer to the standpoint of the Conference at large. India's new status, he said, would not necessarily mean secession from the British Commonwealth, but only freedom to secede.

If we are intent upon complete independence it is not from any sense of arrogance; it is not because we want to parade before the universe that we have now severed all connexion with the British people. Nothing of the kind. On the contrary, you find in this mandate itself that the Congress contem-

<sup>1</sup> *Proceedings of Committees*, 387-9.

plates a partnership—the Congress contemplates a connexion with the British people—but that connexion to be such as can exist between two absolute equals. Time was when I prided myself on being, and being called, a British subject. I have ceased for many years to call myself a British subject; I would far rather be called a rebel than a subject. But I have aspired—I still aspire—to be a citizen, not in the Empire, but in a Commonwealth; in a partnership if possible—if God wills it an indissoluble partnership—but not a partnership superimposed upon one nation by another. Hence you find here that the Congress claims that either party should have the right to sever the connexion, to dissolve the partnership.<sup>1</sup>

It was to the communal problem rather than to those wider constitutional questions that Mr. Gandhi devoted most of his time and energy. At an early stage of the discussion in the Minorities committee he obtained, with general approval, an adjournment for a week, during which he himself convened and presided over a series of informal meetings. 'It is with deep sorrow and deeper humiliation', he reported at the end of the week, 'that I have to announce utter failure to secure an agreed solution of the communal question.' The work of constitution-building, he urged, must go on without it, and he suggested that the communal dispute might be settled by a judicial tribunal after the constitution had been completed. Meantime he tabled the Congress scheme for a settlement, which was in the main a reproduction of the scheme of the Nehru Report.<sup>2</sup> The discussions, it seemed, and particularly perhaps the suggestion that the constitution might be completed without a prior communal agreement, had stiffened rather than softened the attitude of the minority delegates. The leading representatives of the Moslems, the Depressed Classes, the Indian Christians, the Anglo-Indians and the resident British community took counsel together, and as a counter to the Congress scheme they produced a joint statement of their claims, which, they declared, must stand or fall as a connected whole. Its chief purport was to identify the case for the other minorities as far as possible with the case so often stated before by the Moslems. Its main demand was for the retention of separate electorates.<sup>3</sup>

The second session closed on December 1. Despite its failure to solve the communal problem, its time had been well spent. Much had been done to fill in the framework of the previous year. The structure of the federal judiciary had taken shape. The intricate question of the distribution of financial resources between the Centre and the Provinces had been examined, if not yet settled. The main points, besides the communal issue, on which agreement was still to seek were the composition of the federal legislature and the manner in which the States were to be fitted into the federation. In his closing statement, which was afterwards submitted to Parliament and approved by both Houses, the Prime Minister announced the Government's adherence to the policy it had declared at the end of the first session.

<sup>1</sup> *Proceedings of Committees*, 17.

<sup>2</sup> Text in *Proceedings of Committees*, 548. For Nehru Report, see pp. 89-90 above.

<sup>3</sup> *Ibid.*, 550-5.

The great idea of an all-India Federation still holds the field. The principle of a responsible Federal Government, subject to certain reservations and safeguards through a transition period, remains unchanged. And we are all agreed that the Governors' Provinces of the future are to be responsibly governed units, enjoying the greatest possible measure of freedom from outside interference and dictation in carrying out their own policies in their own sphere.<sup>1</sup>

It had been proposed, he went on, that full self-government in the Provinces should be established at once without waiting for the elaboration of the federal system; but the majority of the delegates had made it clear that they preferred the whole constitution to be embodied in a single Act. Meantime the Government had decided to accept the Conference's opinion on the North-West Frontier Province and Sind. The former would be given the status of a Governor's Province, and the latter would become a separate Governor's Province if its financial needs could be met. Finally, Mr. MacDonald warned the Conference that the communal deadlock must not be permitted to hold up the rest of the work. 'I have never', he said, 'concealed from you my conviction that this is above all others a problem for you to settle by agreement amongst yourselves.' But, if that continued to be impossible, the Government would be compelled to apply a provisional scheme of its own, unsatisfactory though such a course would be.<sup>2</sup>

### III. THIRD SESSION

In the friendly speech in which he moved a vote of thanks to the chair at the end of the second session of the Conference, Mr. Gandhi had intimated that he and the Prime Minister had probably 'come to the parting of the ways'; and, indeed, before he got back to India, the truce between the Congress and the Government had broken down. The Congress Committee in the United Provinces, with the Working Committee's sanction, had started a 'no-rent' campaign among the villagers. In Bengal 'terrorism' had broken out again: three officials had been murdered and several others seriously injured. In the North-West Frontier Province a Moslem organisation, known as the 'Red Shirts', under Abdul Ghaffar Khan, had made common cause with the Congress, recalling the alliance of 1921. Red Shirt 'camps' had been established on a military basis, and inflammatory pamphlets distributed among the restless tribesmen over the border; and Abdul Ghaffar Khan, declaring that his object was to free the country from the foreign yoke, had called on the Congress to tear up the Irwin-Gandhi pact and resume the fight for freedom. It was again a 'challenge to the very existence of the British Government',<sup>3</sup> and Pandit Jawaharlal Nehru, Mr. Vallabhbhai Patel, and, soon after his return, Mr. Gandhi himself were arrested. So the conflict was resumed—another campaign of civil disobedience on the one side, another course of repression on the other. It fell to Lord Willingdon, who had just succeeded Lord Irwin as Viceroy, to uphold

<sup>1</sup> *Proceedings of the Conference*, 416.

<sup>2</sup> Sir C. Y. Chintamani, *op. cit.*, 170.

<sup>3</sup> *Ibid.*, 418.

the forces of law and order, but Lord Irwin took occasion to say in public that, if he had still been in India, he could have done nothing else.

This renewal of disorder did not prevent the continuance of preparations for the final stage of the Conference. The Franchise Committee under Lord Lothian, the Federal Finance Committee under Lord Eustace Percy, and the States' Inquiry Committee under Mr. J. C. C. Davidson went out to India and drafted their reports. In August 1932, since further discussions had proved fruitless, the Prime Minister announced the Government's provisional scheme of minority representation, commonly called the 'Communal Award'. The scheme fixed the number of seats in the Provincial legislatures at approximately double the number in the existing Councils. Separate electorates were retained for the minority communities and also for the Moslems in Bengal and the Punjab despite their numerical majority. 'Weightage' was also conceded to the Moslems in Provinces in which they were in a minority and to the Sikhs and Hindus in the Punjab. So far the scheme was roughly a reproduction of the existing system, and the concessions to the Moslems could be defended on the same grounds as those on which the authors of the 1919 constitution had acted—namely, that the scheme was in accordance with the 'Lucknow Pact' of 1916, the only agreement which had ever been achieved between the dominant Hindu and Moslem organisations. But there were two novelties in the scheme. About three per cent. of the seats in each Provincial legislature except that of the North-West Frontier Province were reserved for women; and the Depressed Classes were now recognised as a minority community entitled to separate electorates.

Indian opinion outside the Congress might have acquiesced in the Award as it stood if the new treatment of the Depressed Classes had not provoked Mr. Gandhi, then in prison at Poona, to take strong action. A lifelong champion of the outcastes, he had always regarded them as an integral part of the Hindu community and had pinned his hopes for their advancement not on division and antagonism between them and caste Hindus but on awakening in the latter a sense of social justice and duty. With this in mind he drafted a new scheme whereby the number of seats reserved for the Depressed Classes would be substantially larger than that provided in the Award, but the principle of separate electorates would only be applied in a preliminary or 'primary' stage of the elections. The Depressed Class voters would first elect a panel of candidates, and from this the members of the legislature would be elected by the general body of Hindu voters, including those of the Depressed Classes. To secure the adoption of this scheme Mr. Gandhi began a 'fast unto death', and to save his life the Hindu leaders, though they held that the scheme would seriously weaken the representation of the caste Hindus, and the Depressed Classes leaders, though they knew it undermined the logical basis of their case, felt compelled to acquiesce in it and to conclude the so-called 'Poona Pact'.

The Conference which assembled on November 17, 1932, for its third

and last session was smaller than its predecessors. Only forty-six delegates attended it. Sir Akbar Hydari and Sir Mirza Ismail were again present, but none of the major Princes. Most of the old leaders of the British Indian delegations, on the other hand, were back in their places. On the British delegation only the three parties supporting the National Government were represented: the Opposition Labour Party refused to take part. The only other serious gap, at this session as at the first, was the gap left by the Congress.

It was understood that the British Government was preparing a complete outline of the new constitution to be submitted in due course to Parliament in the form of a White Paper. It would be based on the discussions of the Conference, and, as the Provincial constitutions were now regarded as more or less settled, the main business of this last short session was a further consideration of the Central organisation in the light of the reports of the Lothian, Percy and Davidson Committees. As to the franchise, it was agreed that adult suffrage was impracticable at present, that the existing franchise should be extended and the principle of direct voting retained, and that provision should be made for the enfranchisement of a substantial proportion of women. It was also agreed that the elections to the Federal upper chamber should be made by the Provincial legislatures. As to the lower house, the balance of opinion, after some discussion, favoured direct rather than indirect election. On the question of the distribution of powers between the Centre and the Provinces, the divergence between Hindu and Moslem opinion as to the character of the federation was reflected in their disagreement as to 'residuary powers'—i.e., the control of any subjects not expressly allocated to the Centre or the Provinces or to the concurrent jurisdiction of both. The Hindus wanted them to go to the Centre, the Moslems to the Provinces. To overcome this deadlock it was suggested, though not without dissent, that the Governor-General might be empowered to decide such cases as arose. The 'safeguards' were again discussed and the scope of the special powers and responsibilities of the Governor-General and Governors precisely defined. Further consideration was given to the question of the distribution of financial resources between the Centre and the Provinces and to the contributions to be made by the States. As regards the powers of the legislatures it was argued on the British side that the general power of amending the constitution and of dealing with such matters as the sovereignty of the Crown and the control of the armed forces and possibly also nationality should remain vested in the British Parliament; but it was agreed that in all other respects Indian legislation, introduced with the sanction and enacted with the assent of the Governor-General or a Governor as the case might be, would be valid, like the legislation of Dominion Parliaments under the Statute of Westminster, even if it conflicted with Acts of the British Parliament applying to India. Other subjects of discussion were the Federal Court and the form of the States' 'instruments of accession' to the Federation.

These proceedings were reviewed in a short general discussion of which the only new feature was the anxiety expressed by the Indian Liberals as to the delay in deciding the terms on which the States would join in the Federation. It seemed, said Sir Tej Bahadur Sapru, as if no progress had been made since the Princes' 'very generous and patriotic response to our invitation' in 1980. Was it certain that they were still willing to come in if their rights were protected?<sup>1</sup> Sir Akbar Hydari replied that the greater the difficulties appeared, the greater also was the States' determination to overcome them and attain the goal.<sup>2</sup> But the Conference could not rid itself of an uneasy impression that the federalist enthusiasm of 1980 had lost its fire, and that in fact the Princes were now 'marking time'.

The only other important feature of the discussion was not new. The Liberals pressed again for some relaxation of the reserved and special powers. Sir Tej Bahadur Sapru asked once more that the Defence Minister should be chosen from the elected Indian members of the legislature, but the Government preferred that the Governor-General's choice should be unfettered. It was suggested, however, that the Governor-General might be instructed to consult the other Ministers on matters of defence and especially on the financial provision made for it. More urgent was the Liberals' plea for a modification of the financial safeguards. Both Sir Tej Bahadur Sapru and Mr. Jayakar argued that in the form in which they had so far been drafted they were unnecessarily wide. All that was needed was to make investment in India safe and to secure the funds required for the administration of the reserved subjects and for the discharge of the Secretary of State's obligations towards the civil services recruited by him. Nor should the inauguration of the Federation be delayed until a Reserve Bank had been established. Credit, it was argued, was more a matter of political contentment than of legal restrictions. 'If you fail to satisfy the political aspirations of India, the credit of India will go down.'<sup>3</sup> Replying for the Government, Sir Samuel Hoare emphasised the 'peculiar difficulty' that, in the midst of 'the most difficult financial crisis that has faced Asia and Europe for many generations', a substantial amount of short-term loans raised for the Indian Government in the name of the Secretary of State would soon be due for repayment. The Government, he said, fully agreed that 'there can be no effective transfer of responsibility unless there is an effective transfer of financial responsibility'. But he argued that the establishment of a Reserve Bank—which would be speeded up as fast as the economic situation allowed—and the other safeguards were necessary 'to keep the confidence of the world outside and to make it possible in the future for a Federal Government to raise money upon reasonable terms'.<sup>4</sup>

The Conference broke up on Christmas Eve with appropriate expressions of peace and goodwill, but with hopes perhaps not quite as high as those with which it had begun its work two years before. Then the emphasis had

<sup>1</sup> *Indian Round Table Conference* (Third Session) [Cmd. 4288], 77.

<sup>2</sup> *Ibid.*, 97.

<sup>3</sup> *Ibid.*, 82.

<sup>4</sup> *Ibid.*, 142-3.

been all on the wide measure of agreement, now it lay more on the points of difference. Between Indians themselves the bridge so quickly built between British India and the States seemed already to be showing signs of instability, and the communal problem had only been prevented from blocking the whole progress of the Conference by the British Government's unilateral decision to maintain the old unsatisfactory system: The British Indian group, or at least its Hindu wing, and the British group, seemed now to stand a little farther apart. There had in fact been no withdrawal from the main position taken up by the Government at the first session; but, since the election of 1931 which had made the Conservatives the dominant party in the National Government, there seemed to have been a certain stiffening of attitude under pressure from the small but powerful 'diehard' group on the extreme Right. The breach, lastly, between the whole Conference and the Congress was apparently wider than ever. Yet, if there was a sense of disappointment or frustration in some quarters at the end of the Conference, it was not on a long view justified. The Conference had done a great work. It had brought the aspirations of Indian nationalism to the test of practical politics. The difficulties of making India a free nation had been more fully and frankly faced than ever before; and, while those difficulties had been discussed on many previous occasions by Englishmen and by Indians—in particular by the authors of the Montagu-Chelmsford Report, by the Simon Commission, and by the Nehru Committee—they had never been discussed so exhaustively, and on such an equal footing, by Englishmen and Indians together. And from that discussion had emerged a common measure of agreement or at least of acquiescence: for, though all the claims of the Indian delegates had not been met, they were willing to do their part in operating a scheme which promised India a great advance on the Act of 1919 towards the goal of full self-government.



## CHAPTER X

### THE ACT OF 1935

#### I. THE JOINT SELECT COMMITTEE

It was now Parliament's turn to take its part in the inquiry. In March 1938 the decisions taken by the Government in the light of the Conference were published in a White Paper,<sup>1</sup> and in April a joint committee of both Houses was appointed, with Lord Linlithgow as chairman, 'to consider the future government of India' with special reference to the White Paper proposals. No more powerful parliamentary committee has ever been set up. It contained most of the leading men in British public life, including several who had held high office in India. It was in almost unbroken session for eighteen months, holding 159 meetings and examining 120 witnesses. It covered the whole ground once more and in the closest detail. A remarkable part of its proceedings was the evidence given by Sir Samuel Hoare, himself a member of the Committee: he was examined for nineteen days and answered over 7,000 questions. But the most singular feature of the Committee was the presence of the delegates from India whom the Committee had been authorised to 'call into consultation'. They took part in the examination of all the witnesses, including of course the Secretary of State, and also to a considerable extent in the Committee's private discussions. The size of the delegation was naturally smaller than that which had attended the Conference. Only twenty-one delegates came from British India and seven from the States; but most of the 'key-men' of the Conference were there, such as the Aga Khan, Sir Akbar Hydari, Sir Mirza Ismail, Sir Tej Bahadur Sapru, Mr. Jayakar, Dr. Ambedkar and Sir Hubert Carr.

From this long and intensive scrutiny the White Paper proposals emerged unscathed on all major points save one—the method of election to the Central legislature. This question excited more controversy both in India and in Parliament than any other; and, though some of the disputants minimised that aspect of it, the conflict went to the root of the whole constitutional problem; for it was a conflict between the unitary and federal principles. Previous judgments on this issue, it will be remembered, had been divided. The Simon Commission had recommended that both houses of the Central legislature should be indirectly elected on a provincial basis partly because direct election involved constituencies of such an unmanageable size, but also in order to prepare the way for federation.<sup>2</sup> The Government of India, on the other hand, had favoured the retention of direct election on

<sup>1</sup> *Proposals for Indian Constitutional Reform*, Cmd. 4268.

<sup>2</sup> See p. 102 above.

a general British Indian basis, at any rate for the lower house.<sup>1</sup> The White Paper had followed a middle path, proposing the direct and unitary method of election for the lower house and the indirect or federal for the upper. This plan was ultimately reversed. The Committee advocated indirect election for both houses, but this provision in the bill was amended in the Lords to make election for the upper house direct.

On December 12, 1934, a motion that a bill should be submitted to Parliament on the lines of the Committee's Report<sup>2</sup> was carried in the Commons by 491 votes to 49 and in the Lords by 289 votes to 62. On December 19 the bill was introduced. The debates on it lasted for forty-three days in the Commons and for thirteen days in the Lords. At every stage its passage was tenaciously resisted by the 'diehard' Conservatives led by Mr. Winston Churchill in the Commons and Lord Salisbury in the Lords. But there was no change in the balance of opinion. The second and third readings were carried in the Commons by 404 votes to 188 and 386 to 122, and in the Lords by 286 votes to 55 and without a division. On August 4, 1935, the bill received the Royal assent.

## II. THE ACT

The Act comprises fourteen parts and ten schedules. The whole of it came into force on April 1, 1937, except Part II, which deals with the All-India Federation, and Part VIII, which establishes the Federal Railway Authority.<sup>3</sup> As will be explained presently, Part II cannot operate until a specific number of the States accede to the Federation, and no State has yet acceded. The Act, therefore, as it is working to-day, is mainly concerned, like its predecessors, with British India only.

### i. *The Provinces*

As regards the structure of government the most important feature of the Act is that it invests the Provinces for the first time with a separate legal personality. There is little change in the scope of their legislative authority. The new schedule of Provincial subjects is based on the old schedule; and the Provinces retain the right of concurrent legislation with the Centre with regard to certain specific matters.<sup>4</sup> The new division of financial resources between the Provinces and the Centre is designed to strengthen the

<sup>1</sup> See p. 108 above.

<sup>2</sup> The Report, as drafted by the chairman, was adopted by the Committee with a number of minor amendments. Large-scale amendments, which were virtually alternative drafts of the Report, were proposed by the representatives of the Labour Party and of the 'diehard' group, and rejected. These, together with the recommendations of the British Indian delegation, were printed in the published proceedings. *Proceedings of the Joint Committee on Indian Constitutional Reform*, vol. i, part ii, 253-470; vol. iii, 203-38.

<sup>3</sup> The provisions of Part II about the Advocate-General have come into force, and one section of Part IX dealing with the Federal Court has not come into force.

<sup>4</sup> In a conflict of Provincial and Central laws in the 'concurrent' field, the Central law is to prevail, unless the Provincial legislation in question has been reserved for consideration, and assented to, by the Governor-General or the Crown (Section 107). The legislative lists are given in Schedule VII.

former's independence, and their power to raise loans outside India no longer requires the sanction of the Secretary of State but only of the Central Government. These, however, are relatively minor points. The major point is the full liberation of the Provinces from the 'superintendence, direction and control' of the Central Government and the Secretary of State except for certain specific purposes. The freedom conceded in 1919 in the 'transferred' field<sup>1</sup> now covers practically the whole government of the Province.

The Act separates Burma from India, enables the new Provinces of Sind and Orissa to be created by Orders-in-Council (which were promulgated on March 3, 1936), and sets them, together with the North-West Frontier Province, on an equal footing with the older Provinces as Governors' Provinces. The Act also provides for the creation of new Provinces or the alteration of Provincial boundaries by Orders-in-Council after consultation with the Federal Government and Legislature and those of the Province or Provinces concerned.<sup>2</sup>

The Provincial legislatures are bicameral in Madras, Bombay, Bengal, the United Provinces, Bihar and Assam. In the other Provinces they are unicameral.<sup>3</sup>

The franchise, which, as before, is mainly based on property qualifications, includes a far larger number of voters.<sup>4</sup> The total voting strength in the Provinces taken together is now more than 80 millions.

There is no change of principle in the allocation of seats in the Legislative Assemblies and Councils (as the lower and upper chambers are now called). Separate electorates and 'weightage' are retained. The communal distribution which is laid down in tables appended to Schedule X, follows the 'Communal Award' as modified by the 'Poona Pact'.

The operation of responsible government is determined partly by the Act and partly by the Governors' Instructions. An unprecedented use has been made of the latter. Heretofore they had been regarded as an executive matter with which Parliament was not directly concerned; the Act now requires that the Governor-General's and Governors' Instructions shall be laid in draft before Parliament and shall not be issued until both houses have presented an address to the Crown to that effect.<sup>5</sup> They must, in fact, be regarded as an integral part of the constitution which would be incomplete without them.

The Act prescribes that there shall be 'a Council of Ministers to aid and advise the Governor' except in so far as he '*acts in his discretion*' in certain matters and provided that he is free to '*exercise his individual judgment*' in certain other matters.<sup>6</sup> The term 'safeguards' applies mainly to the powers described in the words in italics.

The Governor is to 'act in his discretion' in such matters as the summoning of the legislature, the appointment of Ministers, the giving or withholding assent to bills or their reservation, and the administration of

<sup>1</sup> See p. 68 above.

<sup>2</sup> Schedule VI.

<sup>3</sup> Sections 46, 289, 290.

<sup>4</sup> Ss. 18, 58.

<sup>5</sup> S. 60.

<sup>6</sup> S. 60.

'backward' areas excluded from ministerial control. On these matters Ministers are not entitled to tender advice, but there is nothing to prevent the Governor from asking them for it, collectively or individually, without being bound to act on it.<sup>1</sup>

The Governor is to 'exercise his individual judgment' mainly in the discharge of his 'special responsibilities'. These are as follows: (1) 'The prevention of any grave menace to the peace or tranquillity of the Province or any part thereof.' (2) 'The safeguarding of the legitimate interests of minorities.' (3) The protection of the rights of civil servants under the Act. (4) The prevention of administrative discrimination against British commercial interests. (5) The good government of backward areas excluded from the normal administration. (6) The protection of the rights of the States and their rulers. (7) The execution of orders from the Governor-General with regard to certain Federal interests. With regard to these seven 'responsibilities' and to other matters on which the Governor is to 'exercise his individual judgment'—such as the selection of the Advocate-General, the alteration of police rules, or certain public service questions—Ministers are entitled, and expected, to tender advice to the Governor, but, having considered it, he is free to do what he thinks right.<sup>2</sup>

It will be observed that the fourth of these 'special responsibilities' is concerned only with administrative discrimination against British commercial interests. Legislative discrimination is prohibited by a specific chapter of the Act.<sup>3</sup> The insertion of this 'safeguard' was due to the anxiety caused in British business circles in Britain and in India by the claim occasionally made by Congressmen that the economic development of India should be in Indian hands alone. But the enactment of elaborate provisions to secure fair treatment for British interests was widely criticised on the ground that Indian legislatures could be trusted to behave as reasonably as those of other civilised countries, and that in any case the only real security for British trade was the goodwill of the Indian people.

Financial procedure is to accord with the usual parliamentary principles of an annual budget and governmental initiative; but certain items of expenditure, such as the Governor's, ministers' and judges' salaries, the cost of administering the 'excluded areas', and debt obligations, are to be a first charge on the revenue and therefore not votable. Discussion is to be permitted, however, on all these items except the Governor's salary.<sup>4</sup>

For the discharge of his 'special responsibilities' and the exercise of his 'discretionary' functions the Governor is invested with legislative authority, negative and positive. On the one hand he can refuse assent to a bill or return it for reconsideration or reserve it for the consideration of the Governor-General.<sup>5</sup> On the other hand he can promulgate an ordinance at a time of emergency which will be valid for six months, or he can enact a Governor's Act having the same validity and permanence

<sup>1</sup> Ss. 50, 51, 62, 75, 76, etc.    <sup>2</sup> Ss. 50, 52.    <sup>3</sup> Ss. 111-21.    <sup>4</sup> Ss. 78, 79.  
<sup>5</sup> Ss. 75, 76. These powers cover bills of all kinds.

as an ordinary Act of the legislature.<sup>1</sup> In the event, finally, of a breakdown of the constitutional machine, the Governor may assume, with the concurrence of the Governor-General, all the powers of government by a proclamation which must be submitted to the Secretary of State and laid before Parliament.<sup>2</sup>

Whenever the Governor 'acts in his discretion' or 'exercises his individual judgment' he is to be 'under the general control of, and comply with such particular directions if any as may from time to time be given him by, the Governor-General in his discretion'.<sup>3</sup> This important provision illustrates the fact that the field in which Indian self-government is not complete under the Act is the field for which the British Parliament is to remain ultimately responsible during the period of transition. Control of the Governor-General means control through the Secretary of State by Parliament.<sup>4</sup>

Subject to the 'safeguards', responsible government is established over virtually the whole Provincial field. Dyarchy has disappeared.<sup>5</sup> There is a single cabinet, appointed more or less in the British way, and normally the Governor must act on its advice. The seventh clause of the Governor's Instructions runs as follows:

In making appointments to his Council of Ministers Our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, to appoint, in consultation with the person who in his judgment is most likely to command a stable majority in the Legislature, those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the Legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.

And the eighth clause reads:

In all matters within the scope of the executive authority of the Province, save in relation to functions which he is required by or under the Act to exercise in his discretion, Our Governor shall in the exercise of the powers conferred upon him be guided by the advice of his Ministers, unless in his opinion so to be guided would be inconsistent with the fulfilment of any of the special responsibilities which are by the Act committed to him, or with the proper discharge of any of the functions which he is otherwise by or under the Act required to exercise in his individual judgment; in any of which cases Our Governor shall, notwithstanding his Ministers' advice, act in exercise of the powers by or under the Act conferred upon him in such manner as to his individual judgment seems requisite for the due discharge of the responsibilities and functions aforesaid. But he shall be studious so to exercise his powers as not to enable his Ministers to rely upon his special responsibilities in order to relieve themselves of responsibilities which are properly their own.<sup>6</sup>

<sup>1</sup> Ss. 89, 90.

<sup>2</sup> S. 93.

<sup>3</sup> S. 54.

<sup>4</sup> See p. 68, note, above.

<sup>5</sup> The Governor's discretionary power to deal with 'excluded' areas (Sections 91-2) might be regarded as a surviving element of dyarchy.

<sup>6</sup> *Instrument of Instructions to Governors* (1936), H. of C. paper, No. 1, 1936-7.

ii. *The Centre*

Part II of the Act, establishing 'The Federation of India', can only come into operation when an address to the Crown by Parliament asks for a proclamation to that effect, and the proclamation cannot be issued until a sufficient number of States (1) to occupy 52 of the 104 seats allotted to the States in the upper house of the Federal Legislature and (2) to make up half the total population of all the States, have acceded to the Federation. A State accedes to the Federation when its Ruler has executed an instrument of accession empowering the Federal Government and Legislature to exercise authority over it in accordance with the Act; but this authority can be exercised only in respect of those matters in the Federal list, and with those limitations, which the Ruler enumerates in his instrument of accession.<sup>1</sup>

The rights of the States are further safeguarded by what may be described as a duplication of the Viceroy's office. In the conduct of their affairs as members of the Federation the States are to deal with the Governor-General as head of the Federal Government, but in their relations with the British Government apart from Federal affairs they are to deal with 'His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States'. It would be almost impossible in practice for the two offices to be held by different persons, and the Act permits the same person to be appointed to both.<sup>2</sup>

The Federal Legislature, if and when it comes into being, is to be, like the existing Central Legislature, bicameral. The Council of State is to consist of 156 representatives of British India and not more than 104 of the States. It is not to be subject to dissolution, but one-third of its members are to retire in every third year. The States' representatives are to be appointed by their Rulers, the smaller States being grouped together as units for electoral purposes. Six of the British Indian representatives are to be nominated by the Governor-General. Of the remaining 150 seats all but 10 are distributed among the Provinces mainly on a population basis—20 being allotted to Madras, Bengal and the United Provinces, 16 to Bombay, the Punjab and Bihar, 8 to the Central Provinces, 5 to Assam, the North-West Frontier Province, Orissa and Sind, and 1 to each of the four larger Chief Commissioners' Provinces. The other 10 seats are given to the Anglo-Indian, European and Indian Christian communities in British India as a whole. In the second place the seats are allocated, as in the Provincial Legislatures, to separate communal electorates. The General, Moslem and Sikh seats are to be filled by direct election by members of those communities in territorial constituencies. The representatives of the Depressed Classes, Indian Christians, Anglo-Indians and Europeans are to be elected by the members of those communities who are members of the Provincial Legislative Councils or Assemblies. The Provincial Legislature as a whole is to elect to the seats reserved for women in any Province.<sup>3</sup>

<sup>1</sup> Ss. 5-6: Schedule VII.<sup>2</sup> S. 3.<sup>3</sup> S. 18: Schedule I.

The Federal Assembly, which will be re-elected every five years if not dissolved earlier, is to consist of 250 representatives of British India and not more than 125 of the States. The distribution of the latter is to be based mainly on population: thus Hyderabad is to have 16 seats; Mysore 7, Travancore 5. But comparatively few of the States will be represented individually: in most cases there is to be one representative for a group of States. The British Indian seats are allocated on the same principles as those in the upper house, but in this chamber the General, Moslem and Sikh seats, numbering together 193, are to be filled by indirect election, *viz.*, by the members of those communities who are members of the Provincial Legislative Assemblies on the principle of proportional representation with the single transferable vote. The Indian Christian, Anglo-Indian and European representatives and the women are to be elected by members of those classes in the Provincial Assemblies. The representatives of the 'Scheduled Castes', as the 'Depressed Classes' are now officially termed, are to be elected by the holders of General seats in the Assemblies from candidates previously elected—four for each seat—by Scheduled Caste voters only.<sup>1</sup>

The scope of Federal legislation is limited to the subjects enumerated in the Federal and Concurrent lists. The Federal Legislature cannot make laws for a State otherwise than in accordance with its instrument of accession; nor can it make laws to have effect in a Province on the subjects enumerated in the Provincial list. As to 'residuary powers'—the sharp conflict of principle in which, as has been seen, Hindu opinion had been on one side and Moslem opinion on the other—the compromise suggested at the Round Table Conference was adopted.<sup>2</sup> The Act does not allocate the 'residuary powers' either to the Centre as in Canada or to the federated units as in Australia; it authorises the Governor-General to determine 'in his discretion' which legislature shall deal with a subject not mentioned in any of the scheduled lists. In the event of a conflict between a Federal and a Provincial law, the former is normally to prevail. Lastly, the Governor-General is empowered to proclaim 'in his discretion' that 'a grave emergency exists whereby the security of India is threatened, whether by war or internal disturbance'; and on the issue of such a proclamation the Federal Legislature will be entitled to legislate, with the Governor-General's previous sanction, on any subject in the Provincial list.<sup>3</sup>

As regards finance, certain items are charged on the Federal revenues, as in the Provinces on the Provincial revenues, and are therefore non-votable; but, again as in the Provinces, discussion on most of those items is permitted in the legislature. The only items reserved from discussion are the salary and expenses of the Governor-General and expenditure arising from the Crown's relations with the States.<sup>4</sup>

No legislation is to be introduced affecting coinage, currency or the constitution or functions of the Reserve Bank without the previous sanction

<sup>1</sup> S. 18; Schedule I.

<sup>2</sup> See p. 129 above.

<sup>3</sup> Ss. 100, 101, 102, 104, 107 (and see p. 133, note 4, above).

<sup>4</sup> Ss. 38, 84.

of the Governor-General 'in his discretion'. It may be noted in this connexion that the fears of delay in establishing the Reserve Bank did not materialise.<sup>1</sup> The Reserve Bank of India Act was passed in 1934, and the Bank began to operate in 1935. The Governor and Deputy Governors of the Bank are appointed by the Governor-General 'in his discretion', the directors in the 'exercise of his individual judgment'.<sup>2</sup>

The Federal Government is to be on the same British model as the Provincial Governments. There is to be a Council of Ministers, not more than ten, and the instructions to the Governor-General as to their appointment are identical with the corresponding instructions to the Governors. The Governor-General is charged with eight 'special responsibilities', seven of which are the same, *mutatis mutandis*, as the Governors'; the eighth is 'the safeguarding of the financial stability and credit of the Federal Government'. The Governor-General's duty to deal 'in his discretion' with 'tribal areas' is comparable with the Governors' duties with regard to 'excluded' areas.<sup>3</sup>

So far the Federal form of government is much the same as the Provincial, but, as has been foreshadowed in the preceding chapter, there is one great difference between them. In accordance with the decision which emerged from the Round Table Conference and was embodied in the White Paper, dyarchy is reproduced at the Centre. The Governor-General is required to 'act in his discretion' not only, like the Governors, in such matters as the appointment of Ministers and the summoning of the legislature, but also as regards defence, external affairs, 'except the relations between the Federation and any part of His Majesty's dominions', and ecclesiastical affairs—the last being only concerned with the upkeep of the chaplains and churches needed as long as British officials and soldiers continue to serve in India. These matters are not to be withdrawn from discussion in the legislature, but the supplies for dealing with them will not be subject to vote. The Governor-General, again, is to be free to consult Ministers in charge of other departments on these 'reserved' matters, but they are not to have the right to advise him; he is to be assisted not by Ministers responsible to the legislature but by 'counsellors', responsible only to him. These counsellors need not be members of the legislature, but they are to be entitled to take part in its proceedings. For the administration of the 'reserved' departments, as for the discharge of the 'special responsibilities', the Governor-General is to be furnished with similar powers of legislation to those given to Governors for similar purposes.<sup>4</sup>

There is one other important provision for the Centre which does not apply to the Provinces. The Governor-General *may* appoint a Financial Adviser, responsible to him, who would assist him in the discharge of his 'special responsibility' for 'safeguarding the financial stability and credit

<sup>1</sup> See p. 180 above.

<sup>2</sup> Ss. 152, 153.

<sup>3</sup> Ss. 9, 11, 12: *Draft Instructions to Governor-General* [Cmd. 4805], 1935.

<sup>4</sup> Ss. 11, 43, 44.



of the Federal Government', and might also be consulted by Ministers. The Governor-General would appoint this Adviser 'in his discretion', but, before any appointment other than the first were made, he would have to consult his Ministers.<sup>1</sup> This provision, it will be noted, is optional, and the possible Adviser's duties are limited. Finance in general is to be entrusted to a Finance Minister, responsible to the legislature.

As regards all the other Federal departments, in so far as the use of his discretionary or individual judgment is not concerned, the Governor-General is required by his Instructions—in the same terms as the Governors—to act on his Ministers' advice.<sup>2</sup> To that extent he is *ipso facto* relieved from the control which had been exercised by the Secretary of State ever since the latter's office was created. But in the use of his discretionary or individual judgment, just as the Governors are to be controlled by him, so he is to be controlled by the Secretary of State.<sup>3</sup>

As to the civil service, the most important provisions of the Act are those which maintain the existing powers of the Secretary of State to recruit, control and secure the rights of the Indian Civil Service, the Indian Police, and the civil branch of the Indian Medical Service. That this is not intended as a permanent arrangement is shown by the proviso 'until Parliament otherwise determines' and by the injunction laid on the Governor-General to recommend modifications of the system if and when he thinks fit.<sup>4</sup>

The judicature is dealt with in Part IX of the Act. It re-establishes, with some reforms in their constitution and procedure, the High Courts in the Provinces, and creates a new Federal Court, consisting of a Chief Justice of India and not more than six puisne judges, which is to exercise the sole right of judgment on issues between the Federation, the Provinces and the federated States on questions of law or of fact on which the existence or extent of a legal right depends. It can also hear appeals, under certain conditions, from High Courts in British India or State Courts on substantial questions as to the interpretation of the Act or of Orders-in-Council made thereunder. Appeal to the Judicial Committee of the Privy Council is permitted in some cases without leave, in others with the leave of the Federal Court or the Privy Council.<sup>5</sup>

In the light of Canadian experience and in accordance with the South African precedent, the Joint Select Committee had recommended that the management of railways should be excluded from the normal scope of parliamentary control. Part VIII of the Act provides for a Federal Railway Authority for the 'regulation, construction, maintenance and operation of railways'. Its members are to be appointed by the Governor-General, three-sevenths of them 'in his discretion', the rest on Ministers' advice.<sup>6</sup>

Lastly, the Act abolishes the India Council and provides in its place a body of Advisers, not less than three nor more than six, for the Secretary of

<sup>1</sup> S. 15.

<sup>2</sup> *Draft Instructions*, pp. 3-4.

<sup>3</sup> S. 14.

<sup>4</sup> Ss. 244-50.

<sup>5</sup> Ss. 200, 204, 205, 207, 208, 219-31.

<sup>6</sup> Ss. 181, 182; Schedule VIII.

State. He is not obliged to consult them or to accept their advice except as to his duties regarding the civil services. The cost of the India Office is now finally to be charged to British revenues.<sup>1</sup>

### III. THE APPROACH TO DOMINION STATUS

Such were the main provisions of the Act of 1935. How, it may now be asked, was it related to the principles and policies discussed in the preceding chapters of this Report?

In the first place it committed India to a federal form of government. It finally broke up the unitary system under which British India had hitherto been administered. The principle of the constitution of 1919 had still been decentralisation rather than federation. Under the new Act the Provinces are for the first time recognised in law as separate entities, exercising executive and legislative powers in their own field in their own right, free in normal circumstances from Central control in that field. The Federal Legislature, it is true, is empowered to invade the Provincial field in the event of war or very grave disturbance; the Governor-General may refuse assent to bills reserved by Governors; but these are powers which might be exercised by the Centre in any federal system without destroying its federal character.<sup>2</sup> Provincial autonomy is more seriously infringed by the control exercised by the Governor-General over the Governors' use of their special powers. Both when 'acting in their discretion' and when 'exercising their individual judgment' they are to be responsible to him. But that was not intended to be a permanent part of the constitution. It represents the residue of control retained by the British Parliament during the period of transition—a control which, as has been explained, can only be exercised through the Secretary of State and the Governor-General.<sup>3</sup> The most markedly federal aspect of the Act is the provision for indirect or Provincial election to the lower house of the Central Legislature; in all other federations the popular chamber represents the unitary or national rather than the federal principle. The question of 'residuary powers', on the other hand, which is sometimes regarded as a test of the relations between the Centre and the federated units, has been left unsettled in principle. It may be said, in sum, that the federation contemplated by the Act is a real federation: the Provinces are to possess a co-ordinate, not a subordinate, authority. But it is a federation with, so to speak, a unitary bias: it is more akin to the Canadian federation than to that of Australia or the United States.

Secondly, the Act of 1935 committed India—the Provinces completely, the States in part—to the parliamentary system. It was largely modelled, indeed, on the constitutions of the Dominions, all of which are parliamentary. It overrides the doubts and negations of the Simon Report. It re-affirms

<sup>1</sup> Es. 278, 280.

<sup>2</sup> The Federal Government in Canada has a similar right to interfere with Provincial legislation.

<sup>3</sup> See pp. 8-9 above.

the doctrine of 1917. It borrows nothing from Swiss or American methods of adjusting the relations between executive and legislature. The old contradiction, it is true, persists. Communalism is still recognised. Separate electorates are retained. But otherwise the parliamentary doctrine is applied (apart from the transitional reservations and safeguards) in all its purity. The suggestion, for example, that the Act should require the representation of minorities in the various cabinets instead of leaving it to Ministers' discretion was rejected mainly because it conflicted with the orthodox principle of collective cabinet responsibility. Thus the revolution which British opinion in this matter had so suddenly undergone twenty years earlier seemed now to have been finally confirmed. Only the little group of 'diehards' continued to assert that parliamentary government would not work in India.

Of these two main principles of the Act, the federal and the parliamentary, the second commanded the assent or at the least the acquiescence of most British Indian opinion. All Hindu politicians desired parliamentary government in British India. But on the federal question there was no such consensus of Hindu opinion. The Liberals had assented to a federation, though they wished the Centre to be as strong as possible *vis-à-vis* the Provinces, and insisted on direct British-Indian election to the lower Federal chamber. But the Congress had never accepted the federal principle. The national government they wanted was the kind of government outlined in the Nehru Report, and that, strictly speaking, was not a federal government at all.<sup>1</sup> Nor were Liberals and Congressmen divided only on the character of the Central government: they differed also as to its scope. The Liberals had welcomed the creation of an all-India federation, and in order to achieve it they had acquiesced in the advantages offered to the States. But, unless and until the States could be so 'reformed' as to take their place in a federation on the same footing and by the same democratic methods as the Provinces of British India, the Congress refused to contemplate an all-India federation at all, and demanded that British India should forthwith obtain its independence by itself. There was more agreement among the Moslems and the other minorities. They would have preferred a looser form of federation, but they seemed in 1935 to be prepared to take their part in the operation of the Act, and, though they had not conquered their distrust of parliamentary government, to have acquiesced in this last stage of its development as in each preceding stage because the representative system had been fashioned more or less in accordance with their demands.

But the main cleavage of opinion was not so much a question of principle as of pace. The Hindu Liberals had failed to secure a modification of the reservations and the safeguards, but they had fully agreed that some reservations and some safeguards were required during the period of transition to Dominion Status. All other Indians outside the Congress assented. But the Congress still firmly repudiated the very idea of a transition. At

<sup>1</sup> See p. 94 above.

its Session in the spring of 1936 it brushed the Act aside because it did not establish *Purna Swaraj*.<sup>1</sup> Yet if the Act had in fact carried to its culmination the process of realising responsible government at one stroke, if it had established Dominion Status there and then, as the Nehru Report had purported to establish it, it seems probable that at least the majority of Congressmen would have been satisfied. It is important, therefore, to consider in greater detail the width of the difference between Parliament and the Congress in 1935. To what extent did the status conceded to India by the new constitution fall short of Dominion Status?

The essence of Dominion Status is its assertion of equality between a Dominion and Britain and the other Dominions. India would not attain to this equality under the Act of 1935. For an unstated period India would still be subordinate to Britain in three main respects.

First, there was dyarchy at the Centre. Foreign affairs and defence were to remain in charge of the Governor-General responsible to the Secretary of State. But it is important to remember that those two fields of government were the last to be taken over by the overseas nations of the Commonwealth in their advance to Dominion Status.<sup>2</sup> As regards defence, Canada, Australia and New Zealand did not assume full responsibility even for their own local defence till 1871-2, and South Africa, the youngest overseas member of the Commonwealth, not till 1914.<sup>3</sup> Up to those dates British regular troops had been garrisoned within their borders, mainly for the maintenance of internal peace and order.<sup>4</sup> By then they had acquired an almost complete measure of self-government in their other domestic concerns; but they had not yet organised their defence forces on an adequate national basis. The constitutional aspect of this situation was never in dispute. The control of the British forces on colonial soil could not be transferred to a Colonial Government. British soldiers are enlisted by the British Government on the understanding that anyone charged with their welfare and safety will be accountable in the last resort to that Government and to Parliament; and it has always been constitutionally and morally impossible, except in such emergencies as may require in time of war that one commander should control the combined forces of allied nations, to put the lives of British soldiers at the disposal of anyone not ultimately responsible to Parliament.<sup>5</sup> Foreign affairs are inextricably linked with defence, since soldiers are the instruments and may be the victims of foreign policy. As it happened, the older Dominions acquiesced in the continued control of major foreign policy by the British Government long after they had assumed the charge of their own local

<sup>1</sup> See Part II, chap. i.

<sup>2</sup> The Dominions had acquired that title before 1914, but for the sake of clarity the words 'Dominion Status' are used in this book only for the status of full equality attained between 1926 and 1931.

<sup>3</sup> Two companies of British artillery remained in South Africa till 1916 (see p. 40 above).

<sup>4</sup> In New Zealand and South Africa the native races were the main consideration.

<sup>5</sup> For documents illustrating this point, see R. Coupland, *The Empire in These Days* (London, 1935), 147-50. The most interesting case is the use of British troops in South Africa for maintaining internal order in 1913 when the Union forces were, as officially recorded, 'in a transition state'.

defence, although it was admitted that a declaration of war on that Government's sole advice would commit them to belligerency. In their commercial relations with foreign countries they had acquired a substantial measure of independence before 1914, but it was not till after the war that they asserted the right to pursue their own foreign policy in all respects. The analogy between India and the Dominions in this matter must not be pressed too far. The Indian frontier is one of the most dangerous frontiers in the Commonwealth at large, it requires a relatively large standing force for its security in peace time, and the communal schism makes the question of internal order far more serious than it is in any Dominion. Nevertheless India under the Act of 1935 might be broadly regarded as occupying the same sort of position as Canada, Australia and New Zealand occupied with regard to defence before 1871-2 and South Africa before 1914, and the same sort of position with regard to foreign affairs as all of them occupied till after 1914. In India, moreover, as in the Dominions, it was intended to be a temporary, not a permanent position. It would last, it was understood, until India had built up a defence force of her own capable of protecting the frontier in peace time and maintaining internal order without assistance from Britain. It was also understood, of course, that India, like the Dominions, could count in time of war on all the available resources of the Commonwealth for her protection and at all times on all its naval forces for maintaining the freedom of her seas.

These considerations also apply to the retention of British officers in the Indian army and of British officials in the civil administration under the ultimate control of the British Parliament. On these points there is no analogy in the Dominions. But both officers and officials were by this time a dwindling company. They would disappear as soon as the process of Indianisation was complete.

Secondly, there were the 'safeguards', a novel constitutional device with which there was nothing really comparable in the Dominions. After the introduction of responsible government in 1845-50, Governors and Governors-General in the self-governing Colonies and Dominions were never instructed, still less expressly empowered by the constitution, to act against their Ministers' advice except with regard to the reservation of certain kinds of bills. Unquestionably the 'safeguards' were the most obvious reminder that India would not attain Dominion Status by the Act of 1935. But it should be remembered also that the most important of them—those which were concerned with the maintenance of peace and tranquillity and with the rights of minorities—were needed at least as much in the interests of India as in those of Britain. 'Frankly I am not alarmed by those safeguards', said Sir Tej Bahadur Sapru at the Round Table Conference with reference to the federal part of the constitutional scheme, and he would doubtless have said the same with reference to the Provincial part of it. 'Those safeguards are really intended in the interests of the responsible government that we are establishing at the Centre and not to strengthen the hands of British

control over us.'<sup>1</sup> That opinion was fully shared by the Moslems and the other minorities. The 'safeguards' seemed to them essential for their protection during the period of transition.

The 'safeguards', moreover, looked more formidable on paper than they were likely to prove in practice. They were akin to the powers of 'certification' under the Act of 1919, which in fact were only used by the Governor-General ten times between 1921 and 1937 and were only used by Governors to overcome the 'wrecking' tactics of the Swarajist Party. They were inserted in the Act in order to prevent being done or left undone things which admittedly ought not to be done or left undone. It was to be expected, therefore, that Indian Ministers would not desire to do or leave undone such things; and if by inadvertence or under partisan pressure they acted otherwise, the Governor-General or Governor would presumably point out to them that such action would involve his 'special responsibilities', and he would only use his power of intervention in the last resort if he failed to persuade his Ministers to do what was right themselves. Sir Samuel Hoare made this point in the Joint Select Committee.

I am hoping that there would be a great deal of previous consultation between the Governor and the Ministers; and I am hoping that, as a result of that consultation, those powers [of intervention] will very seldom be exercised. The Governor would, I presume, call the attention of the Minister or the Government to some case that is likely to lead to an infringement of the 'special responsibilities', and I would have thought that, if things were working well, the Minister and the Government would welcome the opportunity of removing the cause of the trouble, and that the Governor therefore would never have to intervene.<sup>2</sup>

Furthermore, while it might be necessary for a Governor-General or Governor to use the power of intervention, it would be difficult for him to misuse it. For action which was clearly not in the interests of the community would rally public opinion in support of the Ministers concerned; and, if on being overruled they should resign with the backing of the majority in the legislature, the ultimate upshot would presumably be an election which would give the Ministers another and perhaps an increased majority. In the long run, therefore, they would either get their way or the constitution would break down.

Lastly, over against the potential infringement of responsible government by the 'safeguards' should be set the guarantee now given for its operation in all save the 'reserved' subjects. In the Dominions responsible government was established only by dispatches from the Secretary of State directing Governors to act normally on their Ministers' advice. In India the Governor-General and Governors were now formally required by a clause in their Instructions to do so wherever the 'reserved' subjects or

<sup>1</sup> *Proceedings of the Indian Round Table Conference (First Session)*, 494.

<sup>2</sup> *Joint Select Committee on Indian Constitutional Reform, Evidence*: Q. 5978.

'special responsibilities' or other matters of 'individual judgment' were not concerned.

There was a third element of subordination in the position of India under the Act of 1935. If the Federal Legislature were to come into being, its status would be inferior to that of the British Parliament. Its legislation would be subject to refusal of assent or to reservation by the Governor-General, acting under the control of the Secretary of State, and to disallowance by the Crown on the Secretary of State's advice; and the Secretary of State, of course, is responsible only to the British Parliament. Parliament, moreover, retained its power to legislate for British India without regard, if so it chose, to Indian wishes. The constitution itself was Parliament's creation, and Parliament could change it or repeal it altogether at will. In other words, the legal position of the Indian Legislature would be roughly the same as that of the Dominion Legislatures before the attainment of full Dominion Status. Assent, reservation and disallowance of bills still figure in the Dominion constitutions, but the convention has now been established that action in those matters can only properly be taken in accordance with the advice of the Ministers of the Dominion concerned. The British Parliament, similarly, retains the right to legislate for the Dominions, but the Statute of Westminster precludes it from so doing except at their request and with their consent. India's case would not be covered either by the convention or by the Statute. But this element of subordination was not intended by the authors of the Act to be permanent any more than the others. The question was raised in the House of Commons as to whether Dominion Status, which was now admittedly the 'natural issue' of the policy of 1917,<sup>1</sup> meant the status occupied by the Dominions in 1917 or Dominion Status, as the loose phrase goes, 'of the Statute of Westminster variety'. This question was answered by Sir Thomas Inskip, speaking for the Government on the second reading of the bill. 'It is Dominion Status', he said, 'both before and after the Statute of Westminster'—by which he meant presumably that India was not to be given differential treatment, that her status would be at all times the same as that of the Dominions. And he made a further significant comment. 'It is worth while to bear in mind that special arrangements, not in the statutory safeguards but freely negotiated and agreed, are not inconsistent with the ultimate attainment of the position of a Dominion within the Empire.'<sup>2</sup> This seemed to suggest that, in the Government's view, India might not have to wait for the attainment of Dominion Status as long as had been previously supposed. Might not such an obstacle as that presented by the retention of British troops in India be dealt with by some kind of convention before their presence had been made unnecessary by the building-up of a complete Indian defence force?

It may be said, therefore, that the policy of 1935 not only confirmed and carried forward the policy of 1917: it contemplated its final culmination

<sup>1</sup> See Appendix IV below.

<sup>2</sup> *Hansard*, cccxvii (1934-5), 1611-18.

in India's attainment of complete equality with the other nations of the Commonwealth within a relatively short space of time. How long that time would be depended partly on the organisation of defence and partly on the working of the new constitution. The Dominions acquired their powers of self-government by usage and convention before they were confirmed by the Declaration of 1926 and the Statute of Westminster. There was scope for a similar advance under the Act of 1935. The 'safeguards', as has been observed, might never operate and so might fall into desuetude. In the 'reserved' field at the Centre, if all went well and if the Secretary of State and Parliament concurred, the Governor-General might make a habit of consulting Ministers and come more and more to follow their advice until at last—there was nothing in the Act to prevent it—he might appoint Indian members of the Legislature as his counsellors in that field. The optional provision for a Financial Adviser might never be brought into force, or only for a time. The transfer of the remaining British officers in the Indian army and civil services from the Secretary of State's control to that of the Indian Government would require legislation by Parliament, but the Act itself invited the Governor-General to recommend such legislation if he thought fit. There was the possibility, lastly, hinted at by Sir Thomas Inskip, of agreements apart from the operation of the Act. It was obviously impossible to fix a precise date by which Dominion Status would thus *de facto* be attained; yet, if all the leading statesmen of India could have agreed to accept the Act and to subordinate their communal and party interests to the single purpose of attaining their free nationhood as soon as possible, it is hard to believe that the time would have been long.

The Act of 1935 in fact, though Congressmen refused to believe it, had made possible the transference of India's destiny from British to Indian control. If the Princes and the politicians could come to an agreement as to its terms, the federation of all India was assured. If Hindus and Moslems would at last take to heart the warnings and appeals of the Montagu-Chelmsford Report and subordinate their communal interests to the greater welfare of the whole, the attainment of Dominion Status was in sight. For the 'safeguards' could not be made the means of maintaining indefinitely a last remnant of British rule: they could only last as long as there was valid proof that they were needed. And, if in the event the Act were so used as to demonstrate that India was capable of national self-government, the British Parliament could hesitate no longer to surrender what was left of its 'trust' to the Indian Parliament.

It should be observed, in conclusion, how swift the process of constitutional advance had been—far swifter than Mr. Gokhale can have hoped in 1909 or even Mr. Montagu in 1917. The British system of government had been developed up to almost its final stage in a fraction of the time it had taken in Britain itself or in the Colonies. In Britain government was representative for centuries before it became responsible. The British North American Colonies obtained representative government between 1758 and



1791; responsible government on a Provincial scale between 1846 and 1849, and on a national Canadian scale in 1867; but complete self-government was not attained till between 1914 and 1931—a period from first to last of more than a century and a half. There were reasons, of course, why the process should be more rapid in India. It was not only or mainly because precedents are more quickly followed than made. It was nationalism that forced the pace. In Britain the attainment of responsible government was not a question of nationalism: it was the outcome of a contest between Parliament and a monarchy which, whatever the shortcomings of individual monarchs, was deeply rooted in the national tradition. In Canada nationalism played its part in the later stages of the evolution of self-government, but it was not a fierce or bitter nationalism because the external control from which Canada sought and easily obtained her freedom was exercised by the kindred government of a country to which most Canadians were linked by blood and sentiment. But in India nationalism was more compelling and impatient because the freedom Indian nationalists wanted was primarily freedom from the rule of foreigners. Even so, it is remarkable that a course of development which had lasted so many centuries in Britain and so many decades in the Colonies should have come so near to its conclusion in India in not much more than a single generation.

## SUMMARY OF PART I

1. From the outset of British rule India has been divided into two parts under different forms of government: (1) British India, comprising a number of Provinces, under direct British administration, (2) the Indian States, which, by treaty or usage, are, broadly speaking, autonomous as regards their domestic affairs but accept the 'suzerainty' of the Crown and its control of their external relations.

2. The government of the Indian States has maintained, with modifications, the Oriental tradition of autocracy. Till 1919 the government of British India was controlled by the British Parliament, operating since 1858 through the Secretary of State for India. It was a highly centralised administration. The Provincial Governments were agents of the Central Government and under its legislative and executive control.

3. Already in 1838 Englishmen were contemplating the ultimate withdrawal of British rule from India, and it was hoped that Indians would some day acquire the capacity for representative self-government of the Western type. By the Acts of 1861, 1892 and 1909 the representative principle was recognised by the admission of Indians to the Legislative Councils in the Provinces and at the Centre. But British statesmen of all parties emphatically asserted that this development was not intended to lead to parliamentary government as practised in Britain. Indian society, it was held, was so diversified by race, creed and custom as to preclude the normal operation of 'majority rule'.

4. The outstanding example of schism in Indian society is the deep-rooted antagonism between the Hindus, who constitute about two-thirds of the population of India, and the Moslems who constitute nearly one-quarter. In the constitutional field this antagonism showed itself in the repudiation by the Moslems of majority rule in principle and of 'joint' electorates in particular. Since 1909 the Moslems and other minority communities have been represented in the legislatures through 'separate' electorates.

5. Meantime, the Indian nationalist movement, which had begun with the birth of the Indian National Congress in 1885, had come to regard the constitutional development of the British self-governing Colonies as the model for Indian advance. Dominantly Hindu in fact, though non-communal in principle, the Congress looked forward to acquiring the same kind of parliamentary government as existed in the Dominions and ultimately to the same status of equal partnership with Britain as the Dominions were then in process of attaining.

6. The nationalist movement was intensified by the War of 1914, and the Congress demanded the speeding-up of the process of constitutional advance on Colonial lines. In 1916 the chief obstacle to it seemed for the moment to have been overcome by an agreement between the Congress and the Moslem League, known as the 'Lucknow Pact', in which the most striking point was the Congress' concession of separate electorates.

7. In 1917 the British Government defined its policy as 'the progressive realisation of responsible government in India as an integral part of the British Empire'. This policy was explained in the 'Montagu-Chelmsford Report' and its first stage embodied in the Act of 1919. The main provisions of this Act were as follows. (i) It established a measure of Provincial autonomy by devolving authority in Provincial matters on to the Provincial Governments and freeing them to a large extent from Central control. (ii) It began the process of realising responsible government in the Provinces by dividing the field of government ('dyarchy'); while such vital subjects as law and order were 'reserved' to the control of the Governor and his Executive Councillors responsible as before to the Secretary of State and Parliament, the rest of the field was 'transferred' to Indian

Ministres responsible to their Provincial legislatures. (iii) It converted the existing Central Legislative Council into a bi-cameral legislature for British India, directly elected for the most part on a national or unitary basis; dyarchy was not introduced at the Centre, the whole Executive remaining responsible to the Secretary of State and Parliament. (iv) It established a Chamber of Princes representing the rulers of the Indian States for deliberative purposes. (v) It provided, lastly, for the appointment of a Statutory Commission in ten years' time to consider the possibility of the further extension of responsible government.

8. This new policy signified a change in the British attitude to the constitutional problem. Parliamentary government was no longer ruled out. On the contrary, the development of responsible government was generally interpreted to mean the development of parliamentary or Cabinet government of the British type, for which dyarchy was to serve as a training. The authors of the policy did not evade or minimise the difficulties in the path, especially Hindu-Moslem antagonism, but they expressed the hope that such obstacles would be overcome by the patriotic co-operation of all communities in the common task of self-government. Only thus could India achieve her nationhood and take her equal place, united and free, beside the other nations of the British Commonwealth. Since, however, the Moslems and other communities insisted on it, separate electorates were retained.

9. In the course of the next decade a real attempt was made to carry out this policy. On the one hand, Provincial dyarchy, though naturally cumbrous, proved workable, and the measure of responsible government it conceded was shown to be genuine. On the other hand, as if in anticipation of her coming nationhood, India was accorded a new status in her relations with the rest of the world. She had become a member of the Imperial Conference and of the League of Nations in her own right, and in other respects, notably fiscal policy, her status now seemed to be approximating to that of a Dominion.

10. The hopes of 1919 were mostly disappointed. In the first place the Congress, far the most powerful political organisation in India, became, under Mr. Gandhi's leadership, a *quasi*-revolutionary body, pledged to obtain 'complete independence' by all 'non-violent' means. It therefore rejected the Act of 1919 and refused to co-operate in working it. Secondly, partly because of the Congress attitude, partly because communal divisions prevented the development of a party system, dyarchy provided no effective training in parliamentary government. Thirdly—and this was the most discouraging feature—Hindu-Moslem antagonism increased.

11. In these circumstances a re-examination of the whole constitutional question was undertaken. It began with the appointment of the Statutory Commission under Sir John Simon in 1927 and ended with the passing of a new Government of India Act in 1935. The first contribution to this long discussion was the work of a group of Indian leaders. The Nohru Report, published in 1928, admitted the gravity of the communal problem, and proposed to deal with it on the principle of 'balance' between the Hindu-majority and Moslem-majority Provinces. It recommended that the number of the latter should be increased to 4 (as against 7 or 8 of the former) by the advancement of the North-West Frontier Province to full Provincial status and by the separation of Sind as a distinct Province from Bombay, but it insisted at the same time on the abolition of separate electorates. The proposed all-India constitution, moreover, under which India would attain Dominion Status with full responsible government at the Centre as well as in the Provinces, was more unitary than federal in character, although it was intended to cover the States. Most of the Moslem leaders reacted to the Report with a full-scale declaration of their claims. They insisted that separate electorates must be retained and that, since the theory of Provincial 'balance' required that the Provinces should be as free as possible from the control of a Centre which

must reflect the great Hindu majority in India as a whole, the future constitution must be essentially federal.

12. The Report of the Simon Commission, published in 1930, recommended (a) that Provincial autonomy should be strengthened by further devolution from the Centre and by the extension of responsible government over the whole field of administration, including law and order, and (b) that no change should be made for the present in the Central Executive, but that the Central legislature should be reconstituted on a federal instead of a unitary basis, its members being indirectly elected by the Provincial legislatures, not directly by British-Indian constituencies. The ultimate establishment of an all-India federation, including the States, was relegated to the distant future; nor was any reference made to Dominion Status, though in 1920 the attainment of that status had been officially declared to be the 'natural issue' of the policy of 1917. A marked feature of the Report was its reversion to the scepticism which had prevailed before 1917 as to the practicability of British parliamentary government in India: it suggested that the Provinces might in course of time develop other and varying constitutional practices and asserted that in any case the Central or federal Government could never operate on British lines.

13. The next phase of the discussions was that of the Round Table Conference which held three sessions in London, in 1930, 1931 and 1932. Its personnel consisted of representatives of the British political parties, of parties and communities in British India, and of the States. The Congress, which during this period was in open revolt, was represented only at the second session and then by Mr. Gandhi alone. The outcome of the Conference was a substantial, if incomplete, measure of agreement as to the main lines of a new constitution for India—a federal constitution, with responsible government, subject to specific 'safeguards', operating fully in the Provinces and partially at the Centre. Communal dissonance was still the outstanding feature of the discussions. Mr. Gandhi's personal efforts to obtain agreement having failed, a 'Communal Award' was made by the British Prime Minister, maintaining separate electorates and arranging the distribution of seats on the lines of the 'Lucknow Pact' of 1916, as the only means of resolving the deadlock. The communal issue was also reflected in the controversy as to the character of the proposed Central Government, the Hindu representatives favouring a strong and unitary Centre based on direct election, the Moslems and other minorities insisting on a strictly federal system, with the maximum of Provincial autonomy and indirect election to the Centre on a Provincial footing.

14. In the light of the proceedings of the Conference the British Government formulated its proposals in a White Paper which was submitted to the consideration of a Joint Select Committee of both Houses of Parliament. Its report formed the basis of a bill which was introduced at the end of 1934 and became law in the summer of 1935.

15. The main provisions of the Act of 1935 were as follows. (i) It completed the development of Provincial autonomy by giving the Provinces a separate legal personality and liberating them entirely from Central control except for certain specific purposes. (ii) It established full responsible government, subject to 'safeguards', in all the Provinces (which, with the new Provinces of Sind and Orissa, now numbered eleven). (iii) It established 'The Federation of India', comprising both Provinces and States, with a federal Central Government and legislature for the management of Central subjects. (iv) Dyarchy, abolished in the Provinces, was reproduced at the Centre. The subjects of foreign affairs and defence were 'reserved' to the control of the Governor-General; the other Central subjects were 'transferred' to Ministers, subject to similar 'safeguards' as in the Provinces. (v) The federal principle was recognised in the provision for the indirect or Provincial election to the lower house of the Central legislature, but in general the constitution accorded more with the closer than with the looser type of federation.

(vi) On the other controversial issue the Act maintained the policy of 1917. On the one hand it confirmed and extended parliamentary government in the Provinces and introduced it at the Centre: on the other hand it retained separate electorates, both Provincial and Central, distributing the seats on the lines of the 'Communal Award'. (vii) As to Dominion Status, it was officially declared that the provisions of the Act which precluded full self-government were to be regarded as transitional and it was intimated that, mainly by usage and convention, India under the new constitution might quickly acquire the same freedom, internal and external, as that of the other members of the British Commonwealth.

16. The part of the Act which established the Federation was not to operate until a specified number of States had acceded to it. The rest of the Act came into force partly on July 3, 1936, when the electoral provisions began to operate, and completely on April 1, 1937.

## APPENDIX I

TREATY between the Honourable the English East India Company and Maharajah Soorut Sing Bahadoor, the Rajah of Bikaner, concluded by Mr. Charles Theophilus Metcalfe on the part of the Honourable Company, in virtue of full powers granted by His Excellency the Most Noble the Marquis of Hastings, K.G., Governor-General, &c., &c., and by Oujha Kashsee Nautt, on the part of Raj Rajheesur Maharajah Sroomun Sree Soorut Sing Bahadoor, according to full powers given by the Rajah,—1818.

### ARTICLE 1.

There shall be perpetual friendship, alliance, and unity of interests between the Honourable Company and Maharajah Soorut Sing and his heirs and successors, and the friends and enemies of one party shall be the friends and enemies of both parties.

### ARTICLE 2.

The British Government engages to protect the principality and territory of Bikaner.

### ARTICLE 3.

Maharajah Soorut Sing and his heirs and successors will act in subordinate co-operation with the British Government and acknowledge its supremacy, and will not have any connection with any other Chiefs or States.

### ARTICLE 4.

The Maharajah and his heirs and successors will not enter into negotiation with any Chief or State without the knowledge and sanction of the British Government; but the usual amicable correspondence with friends and relations shall continue.

### ARTICLE 5.

The Maharajah and his heirs and successors will not commit aggressions on any one; if by accident any dispute arise with any one the settlement of it shall be submitted to the arbitration and award of the British Government.

### ARTICLE 6.

Whereas certain persons of the principality of Bikaner have adopted the evil courses of highway robbers and banditti, and have plundered the property of many, to the great molestation of the peaceable subjects of both of the contracting parties, the Maharajah engages to cause to be restored the property plundered from inhabitants of the British territories up to this time, and for the future entirely to suppress the robbers and plunderers in his principality. If the Maharajah be not able to effect their suppression, assistance shall be afforded on his application by the British Government, in which case the Maharajah will pay all the expenses of the force employed; or, in the event of his not finding means to pay those expenses, he will in lieu cede parts of his territory to the British Government, which, after the payment of those expenses, shall be restored.

## ARTICLE 7.

The British Government, on the application of the Maharajah, will reduce to subjection the taukoors and other inhabitants of his principality who have revolted and thrown off his authority. In this case the Maharajah will pay all the expenses of the force employed; or, in the event of not having the means, will, instead, cede parts of his territory to the British Government, which shall be restored after the payment of those expenses.

## ARTICLE 8.

The Maharajah of Bikaner will furnish troops at the requisition of the British Government, according to his means.

## ARTICLE 9.

The Maharajah and his heirs and successors shall be absolute rulers of their country, and the British jurisdiction shall not be introduced into that principality.

## ARTICLE 10.

As it is the wish and intention of the British Government that the roads of Bikaner and Bhutner be rendered passable and safe for the transit of trade to and from the countries of Cabul and Khorasau, &c., the Maharajah engages effectually to accomplish that object within his own dominions, so as that merchants shall pass with protection and safety and meet with no impediment: and with respect to custom duties the established rates shall not be exceeded.

## ARTICLE 11.

This Treaty of eleven Articles having been concluded and signed and sealed by Mr. Charles Theophilus Metcalfe and Oujha Kashee Nautt, the ratifications by His Excellency the Most Noble the Governor-General and Raj Rajheesur Maharajah Sroomun Sree Soorut Sing Bahadoor, shall be exchanged within twenty days from the present date.

Done at Delhi, this 9th day of March, A.D. 1818.

C. T. METCALFE  
OUJHA KASHEE NAUTT  
HASTINGS.

## APPENDIX II

EXTRACTS FROM PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR-GENERAL OF INDIA, 1888.

*Central Provinces Local Self-Government Bill.*

The Hon'ble Syed Ahmad Khan said: 'My Lord, I intend to vote in favour of the passing of this Bill, but, in explanation of my vote, I am anxious, with your Lordship's permission, to make a few observations on some features of this Bill. My Lord, I am one of those who believe that the success of local self-government will, in a great measure, depend upon the amount of independent power to be conferred upon the local boards and the district councils. . . . I rejoice to feel that I have lived long enough to see the inauguration of the day when India is to learn at the hands of her rulers those principles of self-help and self-government which have given birth to representative institutions in England, and have made her great among the nations of the world. My Lord, I sincerely believe that all the intelligent classes throughout India sympathise with the feelings which I have expressed, that they feel grateful to the Government for the privileges which the scheme of local self-government will confer upon them, and that the effect of those privileges

will be to enhance the popularity of the British rule, and to inspire the feelings of loyalty and devotion among the vast population of British India. The more real those privileges are, the more beneficial will be the results.

Having such views and feelings as these, I cannot possibly have sympathy with those who deprecate the withdrawal of Government from the direct management of local funds and local affairs; and it is natural for me to wish, as a matter of principle, that the local boards and the district councils should consist, as far as possible, of persons whom the voice of the people has elected as their representatives. But, my Lord, I feel that I am not acting inconsistently with my feelings and views in cordially supporting those provisions of this Bill which reserve to Government the power of appointing one-third of the members of the local boards and district councils. I am convinced that no part of India has yet arrived at the stage when the system of representation can be adopted, in its fullest scope, even in regard to local affairs. The principle of self-government by means of representative institutions is perhaps the greatest and noblest lesson which the beneficence of England will teach India. But, in borrowing from England the system of representative institutions, it is of the greatest importance to remember those socio-political matters in which India is distinguishable from England. The present socio-political condition of India is the outcome of the history of centuries of despotism and misrule, of the dominancy of race over race, of religion over religion. The traditions and feelings of the people and their present economic and political condition are in a vast measure influenced and regulated by the history of the past: the humanising effects of the British rule have not yet demolished the remembrance of the days of strife and discord which preceded the peace brought to India by the British supremacy. India, a continent in itself, is inhabited by vast populations of different races and different creeds: the rigour of religious institutions has kept even neighbours apart: the system of caste is still dominant and powerful. In one and the same district the population may consist of various creeds and various nationalities; and, whilst one section of the population commands wealth and commerce, the other may possess learning and influence. One section may be numerically larger than the other, and the standard of enlightenment which one section of the community has reached may be far higher than that attained by the rest of the population. One community may be fully alive to the importance of securing representation on the local boards and district councils, whilst the other may be wholly indifferent to such matters.

Under these circumstances, it is hardly possible to deny that the introduction of representative institutions in India will be attended with considerable difficulty and socio-political risks. In a country like England, where the distinctions of race no longer exist, where the differences of sectarianism in religious matters have been mitigated by the advance of toleration, the matter does not present such difficulties. The community of race and creed makes the English people one and the same nation, and the advance of education has rendered smaller differences wholly insignificant in matters connected with the welfare of the country at large. Christian constituencies do not object to return Jews to represent their interests in Parliament, and, indeed, for socio-political purposes, it may be said that the whole of the population of England forms but one community. It is obvious, of course, that the same cannot be said of India. The system of representation by election means the representation of the views and interests of the majority of the population, and, in countries where the population is composed of one race and one creed, it is no doubt the best system that can be adopted. But, my Lord, in a country like India, where caste distinctions still flourish, where there is no fusion of the various races, where religious distinctions are still violent, where education in its modern sense has not made an equal or proportionate progress among all the sections of the population, I am convinced that the introduction of the principle of election, pure and simple, for representation of various interests on the local



boards and the district councils, would be attended with evils of greater significance than purely economic considerations. So long as differences of race and creed and the distinctions of caste form an important element in the socio-political life of India, and influence her inhabitants in matters connected with the administration and welfare of the country at large, the system of election, pure and simple, cannot be safely adopted. The larger community would totally override the interests of the smaller community, and the ignorant public would hold Government responsible for introducing measures which might make the differences of race and creed more violent than ever. My Lord, I have dwelt upon this matter at such length in order to explain why I, a sincere admirer of the representative system, have given my cordial support to such provisions of this Bill as appear to militate against the system of election, pure and simple. Government, in reserving to itself the power of appointing one-third of the members of the local boards and district councils, is adopting the only measure which can be adopted to guarantee the success of local self-government, by securing and maintaining that due and just balance in the representation of the various sections of the Indian population which the system of election, pure and simple, would fail to achieve.'

### APPENDIX III

EXTRACT FROM THE GOVERNOR-GENERAL'S INSTRUCTIONS UNDER THE ACT OF 1919.

VI. And inasmuch as the policy of Our Parliament is set forth in the Preamble to the said Government of India Act, 1919, We do hereby require Our said Governor-General to be vigilant that this policy is constantly furthered alike by his Government and by the local Governments of all Our presidencies and provinces.

VII. In particular it is Our will and pleasure that the powers of superintendence, direction and control over the said local Governments vested in Our said Governor-General and in Our Governor-General in Council shall, unless grave reason to the contrary appears, be exercised with a view to furthering the policy of the local Governments of all Our Governors' provinces, when such policy finds favour with a majority of the Members of the Legislative Council of the province.

VIII. Similarly it is Our will and pleasure that Our said Governor-General shall use all endeavour consistent with the fulfilment of his responsibilities to Us and to Our Parliament for the welfare of Our Indian subjects, that the administration of the matters committed to the direct charge of Our Governor-General in Council may be conducted in harmony with the wishes of Our said subjects as expressed by their representatives in the Indian Legislature, so far as the same shall appear to him to be just and reasonable.

IX. For above all things it is Our will and pleasure that the plane laid by Our Parliament for the progressive realisation of responsible government in British India as an integral part of Our Empire may come to fruition, to the end that British India may attain its due place among Our Dominions. Therefore We do charge Our said Governor-General by the means aforesaid and by all other means which may to him seem fit to guide the course of Our subjects in India whose governance We have committed to his charge so that, subject on the one hand always to the determination of Our Parliament, and, on the other hand, to the co-operation of those on whom new opportunities of service have been conferred, progress towards such realisation may ever advance to the benefit of all Our subjects in India.

X. And We do hereby charge Our said Governor-General to communicate these Our Instructions to the Members of his Executive Council, and to publish the same in such manner as he may think fit.

## APPENDIX IV.

EXTRACT FROM A SPEECH BY THE SECRETARY OF STATE FOR INDIA (SIR SAMUEL HOARE)  
IN THE HOUSE OF COMMONS ON FEBRUARY 6, 1935.

The House will observe that the Bill, like most modern Bills, contains no Preamble. There have, it is true, been important Acts in the past, among them the Government of India Act, 1919, to which a statement of policy and intentions was prefixed. There is, however, no need for a Preamble in this case, as no new pronouncement of policy or intentions is required. The Preamble to the Act of 1919 was described by the joint committee in their report as having

'set out finally and definitely the ultimate aims of British rule in India'.

The committee, after full consideration, further asserted that

'subsequent statements of policy have added nothing to the substance of this declaration',

which they then proceed to quote in full in their reports as, in their own words,

'settling once and for all the attitude of the British Parliament and people towards the political aspirations'

of India. If the committee were justified in their statements—and the Government consider that they were fully justified—there is surely nothing to be gained by reiterating words which have settled once and for all the attitude of Parliament to the Indian problem. Moreover, in government, and above all in the government of the Indian Empire, continuity of policy is of the first importance. No Government and no Parliament can treat lightly any statement issued under the authority of their predecessors. But, once the aim of a policy has been clearly determined and accepted, significance attaches not to its reiteration but to the concrete measures taken in pursuance of it. The position of the Government, therefore, is this: They stand firmly by the pledge contained in the 1919 Preamble, which it is not part of their plan to repeal, and by the interpretation put by the Viceroy in 1929, on the authority of the Government of the day, on that Preamble that

'the natural issue of India's progress as there contemplated, is the attainment of Dominion status'.

The declaration of 1929 was made to remove doubts which had been felt as to the meaning of the Preamble of 1919. There is, therefore, no need to enshrine in an Act words and phrases which would add nothing new to the declaration of the Preamble. In saying that we stand by our pledges I include, of course, not only pledges given to British India, and to Burma as part of British India, but also our engagements with the Indian States.

Rightly understood, the Preamble of 1919, which I repeat will stand unrepealed, is a clear statement of the purpose of the British people, and this Bill is a definite step, indeed a great stride, forward towards the achievement of that purpose. It is by acts and not by words that we claim to be judged. It is clear that we can only reach the end we have plainly set before ourselves when India has succeeded in establishing the conditions upon which self-government rests, nor will its attainment be delayed by any reluctance on our part to recognise these conditions when they actually exist.

There are difficulties which she has to surmount, but they are difficulties inherent in the Indian problem and not of our creation. . . . Our policy, as will be seen from this Bill and the Instructions as to the manner in which these provisions which will accompany it are to be applied, is to do all that we can by sympathetic help and co-operation to enable India to overcome these difficulties and ultimately

to take her place among the fully self-governing members of the British Commonwealth of Nations. It was in this spirit that we took upon ourselves the formidable burden and responsibility of removing one of the chief obstacles to further advance by providing a *modus vivendi* in regard to the removal of communal differences. Our desire is to lend our help in the spirit of partnership in a great enterprise which may enlist the best services which this country and India may have it in their power to give.<sup>1</sup>

<sup>1</sup> *Hansard*, H. of C., cxcvii, 1172-4.

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## PART II

### INDIAN POLITICS, 1936-1942

#### INTRODUCTION

THE first part of this Report dealt with the past. It carried the examination of the constitutional problem in India down to the passing of the Act of 1935. This second part brings us to the present. It attempts to describe how, after a brief interim period, the Provincial section of the Act, but not the federal section, came into operation in 1937 and how the constitutional system thus established—partly new and partly old—has worked during the years that have since elapsed.

The treatment is deliberately much more detailed than in the first part. A proper understanding of the constitutional problem is impossible without some knowledge of the actual course of Indian politics. The information to be obtained from the current literature or the newspapers of Western countries is relatively so meagre and set forth as a rule in such general terms that a student with no personal experience of India is tempted to over-simplify the problem. It is apt to seem a simple question of right and wrong when in fact it involves a complex of conflicting principles and of practical necessities inherent in the peculiar conditions of the country. To appreciate the real difficulties of the problem and to see it in its true proportions it is not enough to study the declarations of policy, the parliamentary speeches, the party manifestoes and so forth which are ready to hand, nor to absorb such detailed information as the press provides when developments in India reach a crisis. The landscape should not be judged by its high lights. It is essential to know something of the background—of the actual course of politics, of what the Governments and legislatures are doing and how they do it, of the concrete questions they have to face and how they face them: for this is the solid stuff which gives to the general declarations all their practical meaning, this is the earthy soil in which the crises grow.

A scientific study of Indian politics for half a decade, scientific in the full academic sense, would take several years and fill several volumes; but for the purposes of this Report it seemed necessary to attempt a rapid survey which, however incomplete, would at least provide a fuller and more factual picture than any that has so far been available to students outside India. The author, accordingly, went to India in November 1941 and stayed there till April 1942. He visited eight of the eleven Provinces, acquiring information from Government reports, from current literature, from party publications, from newspaper files, and, above all, from personal conversation with officials, politicians, journalists and diverse members of the Indian public. He was accorded interviews with many of the leading men in Indian politics, and he would like to put on record here his deep appreciation of the courtesy with which they invariably permitted him to steal their time and the patience with which they submitted to his questions.



## CHAPTER I

### THE POSTPONEMENT OF FEDERATION

At the close of the Round Table Conference it was generally expected that, despite the hesitant attitude of the Princes at its later stages, the requisite number of them would accede to the Federation, and so bring the federal part of the constitutional scheme into operation, within a relatively short time, not perhaps concurrently with the Provincial part but not more than a year or two later. These hopes were rudely disappointed. It almost seems, indeed, in retrospect as if the Princes, when on that memorable occasion at the first session of the Conference they declared their willingness to join without delay in an all-India federation with a responsible federal government, had hardly realised what it meant. At any rate, when the new bill took shape, despite its generous concessions to their claims, they greeted it with something like dismay. At a fairly representative meeting of Rulers and States' ministers held at Bombay in 1935 a series of objections were levied against the bill. Many of them were matters of detail, and capable of adjustment, but some of them ran counter to the fundamental principles of the federal scheme.<sup>1</sup>

Issue was joined first on the old vexed question of Paramountcy. The Princes had raised this question some years earlier, and the Indian States Committee had been appointed to consider it.<sup>2</sup> But its Report,<sup>3</sup> published in 1929, had only met the Princes' wishes on one point—'that the relationship between the Paramount Power and the Princes should not be transferred, without the agreement of the latter, to a new government in British India responsible to an Indian legislature'.<sup>4</sup> On other points the Report had rejected the Princes' claims. It had reaffirmed the supremacy of the Crown, quoting, amongst others, Lord Reading's well-known statement in 1926:

The Sovereignty of the British Crown is supreme in India, and therefore no Ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only upon treaties and engagements, but exists independently of them and, quite apart from its prerogative in matters relating to foreign powers and policies, it is the right and duty of the British Government, while scrupulously respecting all treaties and engagements with the Indian States, to preserve peace and good order throughout India.<sup>5</sup>

The Committee had also declared that the exercise of Paramountcy was governed not only by the treaties and other written engagements between Rulers and the Crown but also by usage and sufferance,<sup>6</sup> and partly for

<sup>1</sup> These complaints, and the comments of the Secretary of State (Sir Samuel Hoare), will be found in *Views of Indian States on the Government of India Bill (1935)*, Cmd. 4848.

<sup>2</sup> See Part I of this Report, *The Indian Problem, 1888-1936* (cited hereafter as Part I), 91.

<sup>3</sup> Cmd. 3802.

<sup>4</sup> *Ibid.*, 52.

<sup>5</sup> *Ibid.*, 18.

<sup>6</sup> *Ibid.*, 24.

that reason they had confessed their inability, like others before them, to describe the operation of Paramountcy in any definite formula.

Conditions alter rapidly in a changing world. . . . Paramountcy must remain paramount; it must fulfil its obligations, defining or adapting itself according to the shifting necessities of the time and the progressive development of the States.<sup>1</sup>

These conclusions had not been generally accepted by the Princes, and their criticism of the bill was largely inspired by their own very different interpretation of Paramountcy. They objected, for example, to 'usage and sufferance' being coupled with 'treaties' in the text of the Instruments of Accession, and they claimed that those documents should be called 'Treaties of Accession' and regarded as bilateral agreements, involving on the British side an obligation 'to preserve and safeguard the whole of their sovereignty and internal autonomy . . . from any encroachment in future'.<sup>2</sup> Otherwise the Princes would be required to acquiesce in a 'derogation of their position from allies and absolute rulers in their own territories to rulers under the suzerainty of the other party to the alliance'.<sup>3</sup>

To these claims the Secretary of State replied that Paramountcy was a side issue. Its exercise could not be defined in a bill which was only concerned with part of the field it covered and only contemplated 'that certain matters, which had previously been determined between the States and the Paramount Power, will in future be regulated, in so far as the States accede to the Federation, by the legislative and executive authority of the Federation'. Nor, of course, could the Princes' claim to treat as equals with the Crown be accepted. 'The nature of their relationship to the King-Emperor', said the Secretary of State, 'is a matter which admits of no dispute'.<sup>4</sup>

But the renewal of this old controversy was not the most serious feature of the Bombay meeting. Many of the objections it raised to the bill suggested that the Princes, now that they were face to face with it, were not really willing to permit the Federal authorities to exercise those minimum powers within their States which were essential in any federal system. A good example was their protest against the Governor-General being charged with a 'special responsibility' to prevent 'any grave menace to the peace or tranquillity of India or any part thereof'—a provision, they argued, which menaced the 'sanctity' of their 'sovereignty and internal autonomy'.<sup>5</sup> Though the process of accession was to be voluntary, though each Ruler would be entitled to lay down in his Instrument the extent to which he was willing that the federal powers under the Act should operate in regard to his State, and though, of course, the federating States would be fully represented in the Federal legislature and government, it seemed in the light of the Bombay meeting that the Princes' assurance that they still desired a federated India was at the best half-hearted.

<sup>1</sup> *Ibid.*, 31.

<sup>2</sup> *Cmd.* 4848, 17.

<sup>3</sup> *Ibid.*, 22.

<sup>4</sup> *Ibid.*, 30.

<sup>5</sup> *Ibid.*, 20.

The British Government for its part was anxious to smooth the Princes' path to federation; and during the winter of 1936-7 a group of selected officials representing the Viceroy personally were sent to tour the States and discuss with their Rulers and ministers the procedure and the meaning of accession. The collation of the results and their consideration by the Viceroy and the Secretary of State took a long time. It was not till the beginning of 1939 that the Viceroy made known to the Rulers the terms on which the Government, as then advised, would regard a State's accession as acceptable. The Rulers' replies were still incomplete in the autumn, and soon after the outbreak of the war the process of negotiation was formally suspended. By that time it had become obvious that many of the Princes were drawing back from the great design of a united India.

It was not only a closer understanding of what federation meant that prompted this retreat. The Princes must also have been influenced, at least after 1937, by the marked change in the attitude of the Congress towards them. Throughout the long period of constitutional discussion which had ended with the passing of the Act of 1935 the Congress had maintained the policy it had laid down in 1928. At its annual Session in that year it had adopted and repeated on its own account the demand of the States' Peoples' Conference for responsible government and full civil liberty.<sup>1</sup> But it had identified itself with the reformers in the States only in spirit and not in action. Direct intervention by the Congress organisation in State affairs was still regarded as unwise. Mr. Gandhi's claim at the Round Table Conference in 1931 that the Congress represented the States as well as British India<sup>2</sup> was not intended to be pressed to its logical conclusion. No branches of the Congress were established in the States. In 1935 the Congress Working Committee reaffirmed the resolution of 1928.<sup>3</sup> The burden of carrying on the struggle for full responsible government, it was said, must be borne by the States' people themselves. All the Congress could do was to 'exercise moral and friendly influence'.<sup>4</sup> 'Any attempt on the part of the Congress at interference', said Mr. Gandhi a little later, 'can only damage the cause of the people in the States. . . . I have not lost hope that the Princes will . . . become real trustees of their people. I do not seek to destroy their status.'<sup>5</sup> This conciliatory attitude seems to have been reciprocated by the Princes, for in 1934 some of them invited Mr. Bhulabhai Desai, the leader of the Congress party in the Assembly, to advise them as to the new constitution. The advice he gave startled some of his fellow Congressmen. He told the Princes to stand on their rights. The representations, in fact, of the Bombay committee were virtually identical with Mr. Desai's opinions.<sup>6</sup> It would seem, therefore, as if some Congress-

<sup>1</sup> See Part I, 91.

<sup>2</sup> *Congress in Evolution* (as cited Part I, 23), 32.

<sup>3</sup> *Indian Annual Register*, 1935, ii, 224.

<sup>4</sup> *Round Table*, No. 100, p. 763.

<sup>5</sup> *Ibid.*, No. 100, pp. 761-3.

<sup>6</sup> See Part I, 124.

men, with Mr. Gandhi at their head, were at this time taking a long view of the problem of the States. The Princes or at least the best and ablest of them were patriots. Their spokesmen at the Round Table Conference had meant what they said when they identified themselves with the aspirations of British India for the attainment of a free Indian nationhood.<sup>1</sup> It was a great mistake to suppose that they were 'reactionaries' on the national issue or would allow themselves to be used by British 'diehards' to obstruct the advance to Indian freedom from foreign control. It was in the domestic affairs of their States that they were 'reactionaries', in their clinging to their old-fashioned sovereignty, in their repudiation of democracy. Might it not, therefore, be good strategy to separate those issues? Might it not be possible for the Congress and the Princes to achieve a common front on the national question if the domestic question were left for future decision? And it could be safely left. The liberalisation of the States was surely only a matter of time.

If indeed the possibility of such an *entente* was in the air in 1934, it never materialised. Ever since 1920 the younger and more restive elements in the Congress had been impatient with all 'gradual' policies. Just as they wanted *Swaraj* at once, so they wanted at once the emancipation of their fellow Indians in the States from an out-of-date absolutism. And these elements steadily gained ground. The concessions made to the States in the constitutional scheme were fiercely attacked. The British Government was flatly charged with a deliberate attempt to use the Princes to bolster up the tottering structure of imperialism in India. The official policy of the Congress was still 'non-interference', but, when the Act of 1935 came into force in the Provinces in 1937 and Congress Ministers came into power, it rapidly gave place to a new 'activist' policy—a policy of undisguised hostility to the States' governments and of open encouragement of agitation within and without the States against them. An account of these developments will be given in Chapter XVI. All that need be said here is that they were sufficient in themselves to explain the hardening of the Princes' attitude towards the federal scheme. Their dislike of any federal intrusion into their territories must needs be greater if one of the component elements of the federal authority, and perhaps the most powerful element, was to consist of men who repudiated the whole 'moth-eaten' treaty-system and foretold the submergence of their 'medieval' monarchies in an all-India democracy. Nor was it only a question of federal administration—of tariffs and railways and contributions to federal revenue and so forth. Paramountcy remained. As Sir Samuel Hoare had pointed out, the scope of the Paramount Power was much wider than the federal field, and, according to the British view, it was impossible to define the limits to which it was entitled to intervene in State affairs. Intervention, it was true, had been carefully reserved in the Act to the Crown; but the Princes' desire that the Crown Representative and the Governor-General should be

<sup>1</sup> See Part I, 115.

different persons had been deemed impracticable;<sup>1</sup> and it was difficult for them to believe that the same individual, acting in one capacity as the constitutional head of a responsible government whose advice he was normally expected to accept, would be able to take a completely independent and impartial line in his other capacity. When, moreover, Dominion Status was fully attained, the Indian Ministry would be entitled to advise the Crown as to the Governor-General's appointment.

It is believed that at one time some of the more important States might have been induced to accept the federal scheme if they could have obtained more favourable terms with regard to their right to levy customs and excise duties than were consistent with the federal principle of fiscal union. But on them as on the others the new attitude of the Congress was bound to have a deterrent effect and to stiffen their hesitation into something like a definite rejection of the scheme. It has been suggested, indeed, that the main motive of at least some Congressmen in adopting the policy of hostility and interference was to deter the Princes from acceding to the Federation and so to kill the federal part of the Act. If that was the intention, it was fulfilled. India remained disunited. The prospect of an all-India federation seemed to have returned to the clouds in which the Montagu-Chelmsford and Simon Reports described it.

<sup>1</sup> The Joint Select Committee of 1933-4 (See Part I, 132-3), containing three ex-Viceroy, considered that the two offices should continue to be held by the same person (par. 158 of its Report), and Mr. R. A. Butler, during the Committee stage of the bill (Feb. 19, 1935; *Hansard*, H. of C., cxcviii, 286), explained that separation would 'lead to great confusion'. It seems to have been feared that, apart from the unnecessary correspondence caused by any such arrangement, a separate Crown Representative might merely delay the presentation, without being able to enforce the situation, of claims by the Princes on the services of the Governor-General, e.g. in respect of defence and internal security.

## CHAPTER II

### THE INTERIM, 1935-1937

#### I. THE PARTIES AND THE ACT

THE only party in India which defonded the Act of 1935 was the Liberals. They had combated certain features of it at the Round Table Conference and in the Joint Select Committee, but they had acquiesced in the final outcome. Back in India, they did not change their minds. On the public platform, in the Press and at meetings of the National Liberal Federation, Sir Tej Bahadur Sapru, Mr. Jayakar and their colleagues continued to criticise the limitations which the Act imposed on full self-government, but it should be worked, they said, and not only in the Provinces. If and when the federal Centre were established, Indian statesmen should take part in its operation in the hope that dyarchy and the 'safeguards' might soon give way to full responsible government. This attitude was well expressed by Sir Cowasji Jehangir, President of the Federation, at its meeting at Lucknow in December 1936. Much would depend, he argued, on the conduct of the Governor-General and the Governors. He believed that

given men with wide sympathies and common sense, with which the British nation has been amply endowed, and given Ministers who will not seek deadlocks, the constitution should be given a fair trial. Its success must ultimately lead to a vast expansion of powers, equal to those enjoyed by the Dominions.<sup>1</sup>

But in nationalist movements 'moderates' are always at a disadvantage, and these Liberal opinions, coinciding as they did with British interpretations of the possibilities inherent in the Act,<sup>2</sup> were denounced as treason by the Congress, who, ever since the revolt of 1920, had not ceased to preach the doctrine that India's freedom could not be attained by co-operation with a Britain that did not mean her to be free. Nothing that had occurred in the course of the long discussions in London had tempered the attitude it had assumed at their outset: Mr. Gandhi's brief intervention had confirmed it. When, therefore, the White Paper scheme was published, it was promptly rejected outright by a resolution of the Working Committee, which was duly adopted at the Session of the Congress in October 1934.

The only satisfactory alternative [it declared] . . . is a constitution drawn up by a Constituent Assembly elected on the basis of adult suffrage or as near it as possible, with the power, if necessary, to the important minorities to have their representatives elected . . . by the electors belonging to such minorities.<sup>3</sup>

A few months later the scheme which had emerged from the Joint Select Committee was condemned by the Working Committee as 'in several

<sup>1</sup> *Round Table*, No. 106, p. 385. <sup>2</sup> See Part I, 147. <sup>3</sup> *Congress in Evolution*, 90.

respects even worse than that of the White Paper'.<sup>1</sup> Both parts of the constitution were equally decried: the federal part must never come into force, and Congressmen must have nothing to do with the Provincial part except for the purpose of destroying it.

The Moslem community, like the Hindu, has always had its moderate and radical wings. Conservative-minded Moslems acquiesced in the Act as they had acquiesced in the Morley-Minto and Montagu-Chelmsford Reforms in the hope that the interests of their community were sufficiently protected by the 'safeguards' and the separate electorates on which at every stage of constitutional advance they had insisted. But those moderate Moslems were not as vocal as the Hindu Liberals. Most of the talking on the Moslem side was done by the All-India Moslem League, and the temper of the League, with Mr. Jinnah among its leading mentors, was now predominantly radical. Congressmen, indeed, could scarcely have used worse language about the Act than that of Sir Syed Wazir Hasan's presidential address to the Bombay Session of the League in April 1936.

A constitution is literally being forced on us by the British Parliament which nobody likes, which no one approves of. After several years of Commissions, Reports, Conferences and Committees a monstrosity has been invented and is being presented to India in the garb of this Constitution Act. It is anti-democratic. It will strengthen all the most reactionary elements in the country, and, instead of helping us to develop on progressive lines, it will enchain and crush the forces making for democracy and freedom.<sup>2</sup>

Following this lead, the League passed a resolution condemning the Act as vigorously as the Congress had condemned it. But there was one point of difference. The Congress had rejected the whole of the Act. The League, while denouncing the 'safeguards' as making responsible government ' nugatory', recommended that, 'having regard to the conditions prevailing at present in the country, the Provincial scheme of the constitution be utilised for what it is worth'.<sup>3</sup>

In view of subsequent developments it is important to observe that the main charge levied by the Moslems against the Act at this time was that it did not concede full self-government at the Centre. Whatever may have been at the back of their minds, Moslem spokesmen betrayed no open anxiety as to the prospect of a Hindu majority at a Centre released to a considerable extent from British control. To all appearance, indeed, the Moslem attitude was still what it had been at the Round Table Conference when Mr. Jinnah accepted the principle of an all-India federation, when Mr. Muhammad Ali intimated that a Hindu majority at the Centre would be in some degree offset by Moslem majorities in certain Provinces, and when Dr. Shafa'at Ahmad Khan declared that the Moslems had never wished to create an Ulster in India.<sup>4</sup>

<sup>1</sup> *Congress in Evolution*, 82.

<sup>2</sup> *Ibid.*, 299-300.

<sup>3</sup> *Indian Annual Register*, 1936, i, 294.

<sup>4</sup> See Part I, 115, 116, 121.

## II. POLITICS AT THE CENTRE

These trends of Indian opinion were naturally reflected in the Legislative Assembly at the Centre, and, as it happened, a new Assembly had come into being at the same time as the new constitutional scheme. The Joint Select Committee's Report was published in October 1934, and the British India elections were held—still under the provisions of the Act of 1919—in the following winter. The strength of the parties as they emerged from the polls was as follows: Congress 44, Congress Nationalists (a section of Congressmen, mainly members of the Hindu Mahasabha,<sup>1</sup> who so fiercely repudiated the Communal Award<sup>2</sup> that they formed a separate group to fight it) 11, Independents (of whom all but 3 were Moslems) 22, Europeans (the resident British business community) 11, officials 26, nominated members other than officials 18. The Liberals had been virtually eliminated.<sup>3</sup> The Government, therefore, could look for support only among the Europeans and the nominated non-officials, whose votes together with those of the 'official bloc' amounted to a maximum of 50. Against that the Congressmen, working usually in concert, could muster 55. The Government, in fact, was bound to be defeated in the lobby without the backing of some at least of the Independent or Moslem group.

Thus the Moslems—and Mr. Jinnah was again the dominant figure—held the balance, and they put their weight up to a point, but not all the way, on the Congress side. When the Joint Committee's Report was debated in February 1935, the Congress spokesman at once moved that the scheme must not be carried into law, since it was conceived in a spirit of imperialistic domination and offered no real power to the Indian people. But the Moslems were not as a whole prepared to join in this root-and-branch rejection of the scheme; and the motion was lost by 72 votes to 61. In its place Mr. Jinnah proposed three resolutions. The first accepted the Communal Award 'so far as it goes until a substitute is agreed upon by the various communities concerned'. Self-respect, said Mr. Jinnah, required that Indians should settle the question themselves, and he asked for a new deal with the Congress in the matter. In the second resolution the scheme of Provincial autonomy was criticised in detail but not condemned in principle. In his speech, indeed Mr. Jinnah welcomed certain features of it, especially the abolition of dyarchy, as a real advance. The third resolution denounced the plan of all-India federation as 'fundamentally bad and totally unacceptable', and demanded a prompt effort to bring about the establishment of full responsible government in British India alone. On this last question Mr. Jinnah more than made up for such leniency as he had shown towards the Provincial part of the scheme. The federal plan, he declared, was completely vitiated by the 'impossible.

<sup>1</sup> See p. 193 below.

<sup>2</sup> See Part I, 128.

<sup>3</sup> Mr. Jayakar accepted an appointment on the new Federal Court in 1937; he resigned at the end of 1938 on his appointment to the Judicial Committee of the Privy Council.



terms which the Princes have laid down'. 'I believe that it means nothing but the absolute sacrifice of all that British India has stood for and developed in the last fifty years in the method of progress in the representative form of government.' All three resolutions were carried by the combined Congress and Moslem votes.<sup>1</sup>

Other leading Moslems more or less accepted Mr. Jinnah's lead in this debate; but they concerned themselves mainly with the Communal Award. Maulana Shaikat Ali asked for a miniature Round Table conference of two Hindus, two Moslems, one Sikh, one Parsi, one Indian Christian and two British officials, and suggested a communal 'truce' for ten years, to enable Indians to prove their capacity for full self-government.<sup>2</sup> Mr. Fazl-ul-Huq also pleaded for a settlement of the communal issue by Indians. 'If we fail to decide this amongst ourselves, I may say at once that we are unfit to have responsible government introduced into this country.'<sup>3</sup> But that was all he said—and nobody else said anything—about the difficulty of working the British parliamentary system in India.<sup>4</sup>

This alliance against the Government on the constitutional issue was more or less consistently maintained on other questions. Shortly before the constitutional debate the Trade Agreement recently concluded between the British and Indian Governments was condemned by 66 votes to 58, but, though no commercial matter of importance had been determined against the will of the Assembly since the establishment of the Fiscal Convention in 1919,<sup>5</sup> the Governments decided that the Agreement, being in their view to the mutual interest of both parties, should stand. A few weeks later, the budget, though it allotted one crore of rupees (£750,000) to rural reconstruction and on that account was hailed by one member of the house as 'the first people's budget', was hotly contested and ultimately passed by certification. Another defeat for the Government was the rejection of the Criminal Law Amendment bill, which likewise had to be certified. In the spring of 1936 the budget was certified again. Of the fourteen occasions on which the Governor-General used the power of certification between 1921 and 1940, eight occurred in the lifetime of this Assembly.

Thus, in politics at the Centre, Hindus and Moslems successfully combined against the Government, and in general, during this interim period before the new Act came into force, it seemed as if Hindu-Moslem antagonism was at any rate not worsening. Occasional 'disturbances', it is true, were apparently as unavoidable as ever. There was serious trouble at Karachi in 1935 when a huge mob took charge of the funeral of a Moslem executed for the murder of a Hindu who was said to have insulted the Prophet. In the spring of 1936 in two quarrels over processional music in the United Provinces two people were killed and 159 injured. In the following autumn a dispute arising in Bombay from building operations at a Hindu temple,

<sup>1</sup> *Legislative Assembly Debates*, 1935, i, 521, 572, 575-6.

<sup>2</sup> *Ibid.*, 284.

<sup>3</sup> *Ibid.*, 802.

<sup>4</sup> See Part I, 75.

<sup>5</sup> See Part I, 85-6.

which were regarded as likely to result in disturbance to worshippers at a neighbouring mosque, developed into rioting which lasted from October 15 to 19, broke out again on November 2, and continued intermittently till the beginning of December. The hooligans of the city made the most of their chance; there was much looting and arson; the police had to open fire on several occasions, and troops in lorries paraded the lawless area. The casualties amounted to no less than 93 killed and 632 injured. In the spring of 1937 there was a minor outbreak in the United Provinces caused by a Moslem sacrifice of a bullock, and another, which lasted for three days, at Madras arising from the celebration of a Hindu festival. Rioting also recurred at Bombay over Hindu processional music near a mosque: four people were killed and 65 injured.

This was a bad enough record, but at any rate it was not worse than that of the preceding years. If no certain inference could be drawn from it, yet it seemed as if Hindu-Moslem tension was not increasing in this period as it had increased at other periods of constitutional change. The Moslem leaders can scarcely have rid themselves of all their old anxieties now that responsible government in the Provinces was imminent and its extension to the Centre a not very remote possibility; but they said nothing to suggest that they thought the rights and interests of their community were in any serious danger.

### III. THE PROVINCIAL ELECTIONS

The policy of the Congress in these years was a single policy determined by the 'high command'.<sup>1</sup> But in so large a body there were bound to be differences of temperament and opinion, and the partial secession of the Congress Nationalists was not the only symptom of dissension. For some time past the natural tendency of all politicians to go left or right had been growing. The leader of the Left, to which most of the younger rank and file adhered, was Pandit Jawaharlal Nehru, who, since the days he had acted as secretary to the committee presided over by his father,<sup>2</sup> had preached a logical and forthright doctrine of *Swaraj*. India, it might be summed up, must free herself in her own way. But Pandit Nehru is not only a nationalist, he is also a socialist, and, while in the first character his only differences with other Congressmen are on procedure, not on principle, he is confronted in the second character with a substantial middle-class section of the Congress which is not socialist.

In 1936 the Pandit was elected President of the Congress, and at its annual Session at Lucknow he expounded his views with his usual frankness and clarity. He was a socialist, he said in effect, because only by socialism, involving 'vast and revolutionary changes', could India's problems and the world's be solved. But he did not suggest that socialism could be established in India forthwith. The first objective was independence, for which all Congressmen, whatever their opinions on social and economic

<sup>1</sup> The organisation of the Congress is described in Chapter X.

<sup>2</sup> See Part I, 87-96.

issues, must stand united. And the only way of attaining it was the Congress way. 'Independence cannot be given.' It could not be got through the Act, a 'new charter of slavery', designed to perpetuate the hold of British imperialism on India. It must come by means of a democratic Constituent Assembly. And the opportunity for such an Assembly to obtain whatever it should decide to demand would arise, it was plainly hinted, as soon as Britain was involved in the gathering storm in Europe.

The time may come, and that sooner perhaps than we expect, when we might be put to the test. Let us get ready for that test. Every war waged by imperialist powers will be an imperialist war whatever the excuses put forward; therefore we must keep out of it.

Meanwhile, when the Provincial part of the Act came into force, the Congress should certainly contest the elections to the legislatures. But they must have no more to do with the Act than that. On no account must Congressmen take office.

To accept office and ministry under the conditions of the Act is to negative our rejection of it. . . . It is always dangerous to assume responsibility without power; it will be far worse with this constitution, hedged in with safeguards and reserved powers and mortgaged funds. . . . Imperialism sometimes talks of co-operation, but the kind of co-operation it wants is usually known as surrender.

In particular the Pandit renounced the 'astonishing and fatal suggestion' that the decision as to accepting office should be left to the Congressmen of each Province concerned.

First issues will sink into the background, independence itself will fade away and the narrowest provincialism raise its ugly head. Our policy must be uniform for the whole of India, and it must place first things first, and independence is the first thing of all.<sup>1</sup>

It was on this question of office that the clash between the two wings of the Congress was most apparent. Pandit Nehru was taken to task in several Congress newspapers, and the election manifesto<sup>2</sup> issued a few months later by the All-India Congress Committee, while in full accord with the Pandit's opinion that Congressmen should enter the legislatures 'not to co-operate in any way with the Act, but to combat it and seek the end of it', declared that the decision on accepting office would be postponed till after the elections. Nevertheless the Pandit continued to air his uncompromising opinion on this point. 'It would be a fatal error', he said at Madras, 'for the Congress to accept office. That inevitably would involve co-operation with British imperialism.' On the contrary, said Mr. Satyamurti, a leading Madras Congressman, the refusal of office would be to play the imperialist game. 'In saying this I believe I represent the vast majority of the Congress opinion in the Province.'<sup>3</sup> Nor was this attitude

<sup>1</sup> *Round Table*, No. 103, pp. 568-9.

<sup>2</sup> Text in Jawaharlal Nehru, *The Unity of India* (London, 1941), 401.

<sup>3</sup> *Round Table*, No. 105, pp. 142-4.

dictated only by tactical considerations. There were Congressmen who earnestly desired to take office in order to begin at once the work of social reform which they had at heart. Were the masses to wait for the better times they had been promised till independence had been won?

Since, however, the decision of this vexed question had been postponed till after the elections, the difference of opinion on it had no effect on the electoral campaign. All Congressmen accepted the election manifesto as their common platform in all Provinces. While doing their best to destroy the Act, it declared, and 'to resist British imperialism in its attempts to strengthen its hold on India', Congressmen would work for the uplift of the masses—for the reform of the system of land tenure, the reduction of agriculturalists' rent and the relief of their indebtedness—for the improvement of industrial conditions in the towns, insurance against old age, sickness and unemployment, the maintenance of trade unions and the right to strike—and for the removal of sex disabilities and of 'untouchability' and the social and economic advancement of the backward classes. In the political field, the first objective was the repeal of all repressive laws and regulations, the release of political prisoners, and the establishment of full civil liberty. A special section of the manifesto was devoted to the Communal Award. The Congress, it declared, was not indifferent or neutral in this matter. It condemned the Award as inconsistent with democratic principles and disruptive of Indian unity.

But a satisfactory solution of the communal question can come only through the goodwill and co-operation of the principal communities concerned. The attempt by one group to get some communal favour from the British Government at the expense of another group results in an increase in communal tension and the exploitation of both groups by Government. Such a struggle is hardly in keeping with the dignity of Indian nationalism. . . . The Congress, therefore, holds that the right way to deal with the situation created by the Communal Decision is to intensify our struggle for independence and at the same time to seek a common basis for an agreed solution which will strengthen the unity of India.

This programme, supplemented by a more detailed exposition of agrarian policy<sup>1</sup> and by local material provided by the Provincial committees, was sedulously preached throughout the country by a well-organised regiment of Congress canvassers.

Meantime the Moslem League had also issued an electoral manifesto,<sup>2</sup> the work of a Parliamentary Board which the League meeting at Bombay had instructed Mr. Jinnah to establish. To all appearance the social policy it advocated was much the same as the Congress policy. The League was to play its part in building a new 'social edifice', though it would oppose 'any movement that aims at expropriation of private property'—a plain reference to the socialist ideas of Pandit Nehru and his disciples. Industrial development, the uplift of the rural population, the relief of agricultural

<sup>1</sup> Nehru, *op. cit.*, 408.

<sup>2</sup> *Indian Annual Register*, 1936, i, 299-301.

indebtedness—all this was common ground. Nor was there much difference on political issues. The League, like the Congress, stood for the abolition of all repressive infringements of civil freedom. As to the constitution the position taken up by Mr. Jinnah in the Assembly was reaffirmed. 'The federal scheme was damned as heartily as any Congressman could wish. The Provincial scheme was also severely criticised, but nothing was said about destroying it: it should be worked 'for what it was worth'.

There were, indeed, only two points on which the League manifesto was obviously at variance with the Congress creed. One was the language question. The League pledged itself 'to protect and promote the Urdu language and script', and, though no mention was made of it in its manifesto, the Congress was notoriously bent on making Hindi the national language of India.<sup>1</sup> The other point of difference was, of course, the old point—separate electorates. The manifesto did not contain those two controversial words, nor did it take issue with the Congress on the subject directly. The Moslem claim was advanced indirectly in the course of the brief but significant account of the history of the League since its inception in 1906 with which the manifesto opened. Its main theme was the co-operation of the League with the Congress in the common task of national liberation. The Lucknow Pact of 1916<sup>2</sup> was hailed as 'one of the greatest beacon lights in the constitutional history of India' and as 'a signal proof of the identity of purpose, earnestness and co-operation between the two great sections of the people of India'. From that time onwards the Moslems had 'stood shoulder to shoulder with sister communities' in the cause of Indian freedom. If they demanded that their minority position should be safeguarded in the structure of the constitution, that was not communalism. Anyone conversant with world history would realise that this was a natural claim and that its acceptance was essential in order to obtain the 'whole-hearted and willing co-operation of the minorities who must be made to feel that they can rely upon the majority with a complete sense of confidence and security'.

By those who remembered that the Lucknow Pact was the only occasion in the history of the long dispute on which the Congress had conceded separate electorates this passage was construed as a bid for another Congress-League accord on the principles of 1916. Mr. Jinnah had once been spoken of in Congress circles as the 'Ambassador of Hindu-Moslem unity'.<sup>3</sup> Was he not asking now for the one concession which might make a genuine alliance possible? The language question could be used to widen the breach between Moslems and Hindus if they meant to quarrel, but it could be smoothed over by reasonable give and take if they meant to be friends.

<sup>1</sup> Hindi and Urdu are forms of Hindustani, the dominant language of Northern India. Their accident is identical, but each has its own script, and the vocabulary of Hindi is largely derived from Sanskrit while Urdu retains many Persian and Arabic words.

<sup>2</sup> See Part I, 47-9.

<sup>3</sup> Jawaharlal Nehru, *an autobiography* (London, 1936), 67.

And there was nothing else in the League's programme to obstruct a practical political *entente*. Might not the co-operation already established at the Centre be extended to the Provincial field? Might not Congress-League coalition Ministries be established in most of the Provinces? Would not that be the greatest possible step towards Indian unity and therefore towards Indian freedom?

Whatever its precise implications, the League manifesto was clearly an offer of co-operation, and, as will be manifest later on, the subsequent course of Hindu-Moslem relations and of the whole constitutional controversy would have been different if the Congress leaders had accepted the offer. Their rejection of it after the elections, and the reasons, will be discussed in later chapters of this Report.<sup>1</sup> But before the elections there seemed to be a real chance of agreement. The Congress could never abandon its claim to represent Indian nationalists of all communities, and, as the elections approached, Congress Moslem candidates were put up to contest 58 of the 482 separate Moslem seats. But was it necessary for the Congress leaders to insist that Congress Moslems were the only authentic representatives of their community? Apparently not, since, at any rate, for the purposes of the elections, something like a concordat was established with the League. In the United Provinces the leaders of the two organisations agreed on a common platform.

How vigorously and effectively the Congress fought the elections may be gathered from the following description of the campaign in the United Provinces, which has always been regarded as the key Province of Indian politics.

As the time for the election approached, they developed their activities, not spasmodically but continuously, through their resident workers in every village. Meetings and processions, slogans and flags, the exploitation of grievances, promises which held out the vision of a new heaven and a new earth, stirred the countryside into a ferment such as it had never before experienced. The sense of impending change awakened the villages. The Government, which had in past agitations opposed the Congress with the weight of its authority, now stood inactive. It was too much to expect that the villager would understand the constitutional necessity for this attitude. He felt that the British Raj was weakening, that the Congress Raj was coming, and, as so often happens, threw himself definitely on what seemed to be the winning side.<sup>2</sup>

In most constituencies it was the party rather than the candidate for whom the votes were cast—a tendency that was accentuated where coloured boxes were used for voting owing to the number of illiterate voters who could not read a ballot-paper. 'It is doubtful,' wrote one observer in Madras, 'if 40 per cent. of those who exercised the franchise knew the name of the

<sup>1</sup> See pp. 101, 110-12, 179-80 below.

<sup>2</sup> Sir Harry Haig (Governor of the United Provinces, 1934-9), 'The United Provinces and the New Constitution', in the *Asiatic Review*, July 1940, pp. 424-5.

candidate for whom they voted. . . . The slogan "vote for Gandhi and the yellow box" carried all before it."<sup>1</sup>

The result was a series of Congress victories on a far wider scale than anyone, including Congressmen, had anticipated. Over 54 per cent. of the total electorate went to the poll, and out of the total of 1,585 seats in the Provincial lower houses the Congress won no less than 711. In five Provinces—Madras, the United Provinces, the Central Provinces, Bihar, and Orissa—it obtained clear majorities.<sup>2</sup> In Bombay it won nearly half the seats and could count on the support of two or three pro-Congress groups to give it a majority. In Assam it was the strongest party, securing 35 seats out of 108. In the North-West Frontier Province it won 19 seats out of 50, a commanding position since the Moslem party, with its 23 seats, was known to be divided. In Bengal it did better than was expected, winning 60 seats out of 250. In the Punjab it won only 18 seats out of 175 and in Sind only 8 out of 60. Of all these results the most striking was the victory in Madras, where the Justice (or anti-Brahmin) party, which had remained in power in the teeth of Congress opposition ever since 1922, obtained only 21 seats against the 159 won by the Congress.

These Congress victories, however, were mainly gained in Hindu constituencies. The Congress had won, it is true, 26 of the 58 Moslem seats it had contested, but most of these were in the North-West Frontier Province where the Congress holds a peculiar position to be described in a later chapter;<sup>3</sup> and a vastly greater number of Moslem seats, no less than 424, had been won by Moslems who were not Congressmen. The results in the Punjab and Sind alone were enough to show that the Congress could not truly claim to be the only valid champion of Indian political aspirations.

#### IV. 'OFFICE-ACCEPTANCE'

When, in February 1937, the full results of the elections were known, a decision on the office question could no longer be delayed, and in March it was debated for two days by the All-India Congress Committee. The upshot was a resolution (March 18)<sup>4</sup> which began by strongly reaffirming the Congress' policy of combating the Act of 1935.

The electorate has, in overwhelming measure, set its seal on this policy and programme and the new Act therefore stands condemned and utterly rejected by the people through the self-same democratic process which had been evoked by the British Government, and the people have further declared that they desire to frame their own constitution, based on national independence, through the medium of a Constituent Assembly elected by

<sup>1</sup> Lord Erskine (Governor of Madras, 1935-40), 'Madras and the New Constitution', in the *Asiatic Review*, January 1941, p. 21.

<sup>2</sup> Madras, 159 out of 215; U.P., 184 out of 228; C.P., 70 out of 112; Bihar, 95 out of 152; Orissa, 36 out of 60. Full details are available in *Return showing the Results of the Elections in India, 1937*, Cmd. 5589.

<sup>3</sup> See pp. 121-3 below.

<sup>4</sup> *Times of India*, March 17 and 19, 1937.

adult franchise. This Committee therefore demands, on behalf of the people of India, that the new Constitution be withdrawn.

The resolution then reminded the elected Congress members of the legislatures that all their actions must be based on this policy of combating and ending the Act.

That policy must inevitably lead to deadlocks with the British Government and bring out still further the inherent antagonism between British Imperialism and Indian Nationalism, and expose the autocratic and undemocratic nature of the new Constitution.

Finally the resolution dealt with 'office-acceptance' as follows.

In pursuance of the policy summed up in the foregoing paragraphs, the All-India Congress Committee authorises and permits the acceptance of offices in Provinces where the Congress commands a majority in the legislature, provided the Ministerships shall not be accepted unless the leader of the Congress party in the legislature is satisfied and is able to state publicly that the Governor will not use his special powers of interference or set aside the advice of Ministers in regard to their constitutional activities.

This resolution, which had been carried against an amendment declaring office to be unacceptable on any terms, was generally regarded at the time as a victory for the Right. It was well known that the Congress leaders in the Provinces in which they had obtained majorities were anxious to take office, and it was thought that the assurances required of the Governors were mainly intended to justify the vehement denunciation of the 'safeguards' during the elections and that in view of the vague phrasing of the resolution the Governors would have no difficulty in saying something that would meet the case. A different complexion, however, was put upon the matter when the constitution came into force on April 1 and the Governors invited the leaders of the Congress majorities to accept appointment as Premiers and to form their Cabinets. Each Governor was asked to give to his presumptive Premier an assurance, which the latter might make public, in the following identical terms, dictated by the Working Committee—

that in regard to the constitutional activities of his Ministers His Excellency will not use his special powers of interference or set aside the advice of my Cabinet.

The meaning of this was unmistakable. The Governors were to promise not to do what in certain circumstances they were required to do by the Act and Instructions which they had sworn to obey. When they explained that they could not give such a promise, the Congress leaders declined to take office.

In the so-called 'Congress Provinces', therefore, the Governors were obliged either to declare in the words of the Act that 'a situation has arisen in which the government of the Province cannot be carried on in accord-



ance with the provisions of the Act', which was doubtless what the more radical Congressmen wished, or to appoint Ministries which could not command majorities in the legislatures. They took the latter course, but the crisis was not resolved thereby, it was only suspended, since the legislatures would have to be summoned within six months and, when they were summoned, the position of Ministers in a minority, unable in particular to carry their budgets against the Congress majorities, would clearly become impossible. If only a sense of public duty could have induced the new Ministers to accept such a thankless task, the situation was scarcely less unsatisfactory to the would-be Congress Premiers and to that large section of the rank and file of Congressmen who had always wanted office to be accepted. In the long controversy which ensued Mr. Gandhi came once more to the front. He had been released from prison in 1933, and in 1934 he had withdrawn from active participation in the Congress 'high command'; but he had remained the dominant personality in Indian politics, and it was understood that most of the leading Congress committeemen consulted him and sought his approval of their decisions. He now told the Press that he was the sole author of the 'office-acceptance' clause in the resolution of March 18 and that he had not intended to lay down an impossible condition, but one which the Governors could easily have accepted. And he interpreted the hopes expressed by Sir Samuel Hoare and others in London that Governors would not ordinarily have to use their special powers as tantamount to an undertaking that they would not do so. This brought Lord Lothian into the field. As a member of the Round Table Conference and chairman of the Franchise Committee he had been closely concerned with the framing of the Act, and he now pointed out in *The Times*<sup>1</sup> that the use of the 'safeguards' would in practice be controlled by public opinion. The history of responsible government showed, he said, that a Governor's decision to differ from his Ministers depended on whether they could count on the support of the electorate in the event of a dissolution. If they could, 'the Governor has usually decided not to provoke a constitutional crisis of which there is no solution save the suspension of the normal functioning of the constitution'.

If, on the other hand, the Ministry is pursuing a policy which raises vehement opposition to the point of imperilling peace and tranquillity or the rights of minorities it is right that the first remedy in the hands of the Governor should be to refer the matter to the electorate. That is the true safeguard of democracy itself. Is not the most promising way out of the present difficulty to recognise that once responsible government is in being the ultimate 'arbitration' will almost inevitably be exercised by the electorate?

These views harmonised with the democratic doctrine of the Congress. Even Pandit Nehru welcomed them. The basis of the Congress demand was modified accordingly. If a Governor overrules his Ministers—it now ran—

<sup>1</sup> April 6 and 18, 1937.

he must dismiss them. If they retained the support of the majority in the legislature, this would mean a dissolution. The Governor's right to dismiss Ministers and dissolve the legislature 'when serious differences of opinion arise' was not questioned. But the Working Committee still insisted that 'without specific assurances as required by the Congress, popular Ministries will be unable to function properly and without irritating interference'.<sup>1</sup>

After some further dispute as to whether Ministers should be dismissed or asked to resign, the controversy was ended by a long statement to the people of India by Lord Linlithgow, the Viceroy, on June 22. The discussions of the last three months, he said, and also the actual operation of the Provincial constitutions during that period, had corrected certain misconceptions as to the position of the Governors and the use of the 'safeguards'. It was now understood that Governors were not partisans, that their experience and advice were at the disposal of any Ministry which was willing to work the constitution, and that they would accept any such Ministry's programme for the advancement of the Province provided it did not run counter to the purposes which they were charged by their 'special responsibilities' to ensure. Those responsibilities did not entitle a Governor 'to intervene at random in the administration of the Province'. They had been 'restricted in scope to the narrowest limits possible'. 'Every one of them represents the response of Parliament to demands of substantial and legitimate interests.' Within this narrow field the Governors were anxious 'not merely not to provoke conflicts with their Ministers to whatever party their Ministers may belong, but to leave nothing undone to avoid and to resolve such conflicts'. At the same time those interests and communities which the 'safeguards' were designed to protect must not think that 'any question will arise of sacrificing their interests for political reasons'. As to the question of the dismissal or resignation of Ministers, Lord Linlithgow argued in favour of the latter as being more in accordance with constitutional precedent and with a Ministry's self-respect. But he accepted Mr. Gandhi's suggestion that 'it is only when the issue between a Governor and his Ministers constitutes a serious disagreement that any question of the severing of their partnership need arise'. It must be such a major question that Ministers would feel that their position had been 'hopelessly compromised' by the Governor's rejection of their advice. The decision, therefore, would depend on the circumstances in each case, and could not properly be determined *a priori* by a binding rule. 'It is not by rigid conventions of this nature, but by give and take, by the elasticity which is the governing factor of any successful democratic constitution, that constitutional advance is shown by the experience of history to proceed.' Finally, Lord Linlithgow appealed to the Indian people to take advantage of the Act. 'I am convinced that the shortest road to that fuller political life which many of you so greatly

<sup>1</sup> Mr. Gandhi in *Hindu*, April 22, 1937. Resolution of the Congress Working Committee, April 29: *Indian Annual Register*, 1937, i, 266.

desire is to accept this constitution and to work it for all it is worth. . . . You may count on me, in face even of bitter disappointment, to strive untiringly towards the full and final establishment in India of the principles of parliamentary government.<sup>1</sup>

The Viceroy's statement ended the deadlock. On July 7 the Congress Working Committee, having 'considered the views of Congress members in the legislatures and of Congressmen generally', resolved 'that Congressmen be permitted to accept office where they may be invited thereto'.

But it desires to make it clear that office is to be accepted and utilised for the purpose of working in accordance with the lines laid down in the Congress election manifesto, and to further in every possible way the Congress policy of combating the new Act on the one hand and prosecuting a constructive programme on the other.

When this decision was known, the 'interim' Ministries in the Congress Provinces resigned, and Congress Ministries took office in due course.

To disinterested observers the long debate and its upshot were a somewhat curious spectacle. The Governor-General and the Governors, with the Secretary of State behind them, had tried their best, and ultimately with success, to persuade Congressmen to take office, though they were under orders from their 'high command' to use it for the purpose, in part at least, of combating the constitution and seeking to end it. And some observers were not disinterested. Before the elections left-wing Moslems, as has been seen, had joined with Congressmen in denouncing the 'safeguards', but, now that the Congress had won such unexpectedly decisive victories in so many Provinces, did they still see no virtue in a Governor's neutral authority? Many Moslems, indeed, like the members of other minority communities, may now have feared, despite the assurances in the Viceroy's statement, that the doubts cast on the effectiveness of the 'safeguards' when the Act was passed were not without foundation. Fair play for the minorities, moreover, might prove to be more a matter of day-to-day administration than of 'major questions' or 'serious disagreements': it might mainly depend on just those minor issues as to which it seemed to be agreed that Governors and Ministers should not come to an open breach; and in any case, Moslems may have asked, did not the Congress' acceptance of office imply that their attempt to undermine the 'safeguards' had succeeded?

In fact no constitutional ground had been surrendered. Lord Linlithgow had not accepted Lord Lothian's doctrine that a conflict between a Governor and his Ministers should be resolved by an appeal to the electorate, nor did his view that only a conflict on a major issue would justify an open breach imply that on other issues the 'safeguards' would not operate at all. On minor questions, as on others, it was not to be supposed, as the Governor of the United Provinces (Sir Harry Haig) had pointed out at an earlier stage

<sup>1</sup> *The Times*, June 22, 1937.

of the controversy, that Ministers would try, as a matter of deliberate policy, to do what the 'safeguards' had been designed to prevent. Differences of opinion on such questions would probably, therefore, be due to misunderstandings and ought to be overcome by frank discussion.<sup>1</sup> Nor, it is safe to say, had the 'Congress' change of front been primarily determined by this constitutional discussion. Lord Linlithgow certainly wanted the Congress to take office, but so now did the great majority of Congressmen. For three months they had observed the Act in operation, they had seen that the power it gave to Ministers was real power, and, whatever may have been said in March, they did not really want to be prevented now by a dispute about the 'safeguards' from using that power to carry out the social programme which had been put so forcibly and successfully to the electorate.

<sup>1</sup> *Leader*, May 27, 1987. Cf. Sir Samuel Hoare's expectations; Part I, 145.

## CHAPTER III

### PROVINCIAL SELF-GOVERNMENT: INTRODUCTORY

THE Congress decision to take office meant that the new constitution was to be given a trial in all the Provinces. In the next twelve chapters an attempt will be made to describe and assess the result. For the purposes of this Report attention will be concentrated on three main questions: (1) the character and constitutional position of the Governments, (2) the maintenance of law and order, (3) social policy. On these questions some brief introductory comments are needed.

(1) The Government of each of the eleven Provinces now consisted entirely of Indian Ministers responsible, in accordance with the British parliamentary system, to the majority in the Provincial legislature, now almost wholly elected<sup>1</sup> under the old system of separate electorates. These electorates included in all the Provinces taken together more than 80 million persons, of whom a substantial number were uneducated and many illiterate.

The Provincial Governments were now free, apart from the 'safeguards',<sup>2</sup> from all external control in the Provincial field, *i.e.* in nearly all matters which closely affected the life of the people. Such matters as agriculture, education, public health had already been dealt with by responsible Ministers under dyarchy.<sup>3</sup> Now finance and law and order, hitherto 'reserved', were likewise 'transferred' to them. A Province, in fact, now enjoyed a similar measure of legislative and executive self-government to that enjoyed by a State of Australia or of the American Commonwealth.

The new Governments did not begin their work, so to speak, in a void. They had at their back the existing body of law which they were free to alter or extend; and they had at hand, as a running machine, the whole of the administrative services. Of these the great majority were Provincial Services, numbering roughly 500,000 all told, and wholly Indian in personnel. The recruitment and control of these Services were vested exclusively, now as before, in the Provincial Governments. But they also had at their command the Services now known as the 'Secretary of State's Services'—the Indian Civil Service, the Indian Police, and the Indian Medical Service. Members of other Services, such as the Agricultural and Educational, which were now 'Provincialised' but had been on an all-India basis at the time of their recruitment, had a similar status. The total number of these classes of officers in 1937 was 3,212, of whom 1,893 were British and 1,319 Indian. They had been recruited by the Secretary of State and were under his ultimate control. Certain key-posts in Provincial administration were reserved to them, and their rights were protected by one of the 'safeguards'.<sup>4</sup> But

<sup>1</sup> The legislatures in Madras, Bombay, Bengal, the United Provinces, Bihar and Assam are bicameral, and out of a maximum total of 288 seats in their upper houses (Legislative Councils) taken together, a maximum of 88 may be filled by the Governor's nomination. See Act of 1935, Fifth Schedule.

<sup>2</sup> See Part I, 135. <sup>3</sup> See Part I, 62-3. <sup>4</sup> Act of 1935, Ss. 244-9; and see Part I, 135.

they were now all under the immediate orders of the Provincial Ministers. Last, but not least, there were the Governors. Those of Madras, Bombay, and Bengal are traditionally chosen from men who have had experience of British parliamentary life. Those of the other eight Provinces are members of the Indian Civil Service who have long proved their capacity in Indian administration. Under the new *régime* their power to override Ministers was limited to certain specific matters enumerated in the 'safeguard' clauses of the Act, and, as will be seen, this power was rarely used. But in all the Provinces the Governors presided at all regular Cabinet meetings, and they possessed the three rights which Bagehot once defined as those of a constitutional sovereign, 'the right to be consulted, the right to encourage, the right to warn'. It is not contested that the Governors have played their part in the operation of the new constitution in accordance with its spirit as well as with its letter; and the fact that their advice was always at their Ministers' disposal was an advantage of which they all availed themselves.

(2) The sternest test which confronted the new Governments was the test of their capacity to maintain law and order. The wisdom of 'transferring' that field of administration to ministerial control was questioned in the course of the long constitutional controversy, but it was 'transferred' by the Act of 1935, mainly on the ground that responsible government could not otherwise be made a reality.

The average Indian is not naturally given to violence. Submission to his rulers, acquiescence in his fate, those, till very recently at any rate, have been his age-long habits. On the other hand the average Indian—who is, of course, not a member of the small intelligentsia but a very poor and ignorant peasant or labourer—is highly susceptible to mass-excitement; and for some years before 1937 the feelings of the masses—the villagers of the countryside, the workers in the towns—had been roused and stirred as never before. Though India suffered less than many other countries, the relatively simple structure of her economic life had not saved her from the maladjustment and *malaise* which had affected all the world since the last great war; and the consequent disgruntlement and restlessness had been quickened by a widespread political agitation which had awakened in the masses, rural and urban alike, a new consciousness of common grievances and a new hope of remedying them by common action. The anticipations of the Montagu-Chelmsford Report had been fulfilled. The 'placid pathetic contentment of the masses' had been ruffled at last.<sup>1</sup>

Since five-sixths of Indian life is on the land, agrarian discontent was the most marked and important feature of this general unrest, and there was good reason for it. In most of Bengal and Bihar and in parts of Madras and the United Provinces—the so-called *samindari* areas—the tillers of the soil still lacked such security of tenure as their fellows possessed in most of the Western world. A good deal had been done for them under the previous *régime*—in the United Provinces, for example, by the Acts of 1886, 1921 and

<sup>1</sup> See Part I, 55.

1926—but a good deal more needed doing. More important even than security of tenure was the control of rent. Here again something had been done before 1937. When the price of grain was driven down in the world slump in agricultural produce after 1928, efforts were made to bring about a reduction in rents. To cite the United Provinces again, an agreement was reached in 1931 under which on the one hand the amount of land-revenue paid to the Government by the landlords was reduced and on the other hand all rents were scaled down to the level at which they had stood thirty years earlier. But the peasantry were still miserably poor, and both for a further reduction of rent and for greater security of tenure they had been trying for some time past to establish a common front against the landowners. The strongest and most extensive organisation was the *Kisan Sabha* or Peasant Society. Its adherents were mostly tenants-at-will of the larger landowners in the *zamindari* areas, but they could swell their ranks on occasion by enlisting the support of the 'landless proletariat' or wage-earning agricultural labourers who had been steadily growing in numbers but whose attempts at organising agitation on their own account had so far been transient and ineffective. The second focus of unrest was industrial or urban labour. But there are few large towns in India; and, swiftly as it has grown in recent years, Indian industry has not yet involved more than a small fraction of the enormous population. The present war has quickened the pace, but in 1937 less than one Indian in two hundred was working in a registered factory. Nevertheless in Bombay, Calcutta, Cawnpore and other industrial centres masses of workers were already congregated, many of them, though by no means all, unskilled, underpaid, and poorly, sometimes miserably, housed. This is combustible material, and strikes had been frequent. They might have been fewer or more orderly if there had been an organised and powerful labour movement. But Trade Unionism has not yet found its feet in India. The All-India Trade Union Congress, founded in 1920, is mainly concerned with politics: it does not control, it does not even greatly influence, the course of industrial disputes; and the local Unions, most of them weak and ill-disciplined, have to fight their battles singlehanded.

The Governments of the old *régime* had had to grapple with political as well as economic difficulties. The 'civil disobedience' movement had been, indeed, a far more dangerous threat to law and order than agrarian or industrial trouble. Nor were the new Ministries relieved of all political disturbance. The Congress, as has been observed, has a left wing which begins with Socialism and merges into Communism and links on with still more extremist movements beyond the Congress fold—with anarchists or terrorists who are out for a revolution and seize every opportunity they can find to incite discontent and provoke disorder. Lastly, there is always communalism lurking in the background, the worst and most intractable enemy of India's peace, so irrational, so little affected by real or substantial grievances which could be reasonably examined and remedied, so prone to magnify or to fabricate any pretext for a fight. Thus, all too often, a

strike, in Bombay, say, or Cawnpore, begun for purely economic reasons, ends in a bloody communal riot.

In assuming the responsibility for imposing the rule of law, on all these elements of unrest the new Ministers could claim one great advantage over their predecessors. They were all Indians, not foreigners, for dyarchy was dead. They were all the servants of the people and of no one else. Their authority rested on Indian soil, not at faraway Whitehall and Westminster. But in some other respects their position was weaker than that of their predecessors. In the first place the Provincial Governments could no longer rely on the Centre to advise and assist them in keeping the peace. Under the Act of 1935 the Provinces stood for the first time on their own feet in all their domestic affairs. Only in the last resort, only for 'preventing any grave menace to the peace or tranquillity of India or of any part thereof', could the Governor-General formally intervene.<sup>1</sup> In the second place the prestige of government was not all it once had been. The nationalists' abuse and defiance of the previous system had undermined to some extent the moral authority not only of the British Government but of all government; and, though the new *régime* might claim in theory to be stronger because it was based on the popular will, ill-disposed persons might think that in fact it was weaker than the British Raj and behave accordingly. Thirdly, the advantage of a purely Indian Ministry had its reverse side: there were no British neutrals in it now: all its members belonged to one or other of the rival Indian communities.

(3) The record of the Provincial Governments in maintaining law and order will be examined in some detail in the next few chapters, but no fair judgment can be grounded only on this negative work of repressing disorder and crime, and a brief survey will be attempted of their more positive and constructive achievements. One of the chief reasons for welcoming the introduction of full responsible government in the Provinces was the belief that 'popular' Ministries would be able to take a bolder course in the field of social reform than the Governments of the old *régime*. Under dyarchy, it is true, the social field had been entrusted to Ministers responsible to their legislatures, but in face of Congress opposition and non-co-operation those Ministers had never been able to feel that they were backed by the bulk of public opinion. They had been regarded indeed as part and parcel of the 'official' Government and the British Raj, whose traditional supporters belonged mainly to the propertied and conservative classes which were by no means desirous of drastic social reform. An 'official' Government, moreover, especially in India, is naturally anxious to avoid controversy and agitation lest it should lead to a breach of the peace. One of the tests, therefore, of the new *régime* was the extent to which it enabled Indian party leaders to solicit the support of the electorates on controversial social questions, and to carry in the face of vested interests the measures for which they obtained a mandate at the polls.

<sup>1</sup> S. 126 (5).



## CHAPTER IV

### THE NON-CONGRESS GOVERNMENTS: I. BENGAL

The Congress acceptance of office meant that the new Provincial régime was to continue in force in all the Provinces. But in the Congress Provinces, there could be no clear test of its working or of the extent to which it fulfilled the intentions of its authors. For, in the first place, the policy of the Congress was still only half constitutional, it was still half revolutionary, and the working of a constitution cannot well be judged if those who work it are pledged to 'combat' it and may attempt, at any time they choose, to destroy it. Secondly, the Congress policy, as will appear in due course, ran counter to the two interconnected principles of the new Provincial system—Responsible Government and Provincial Autonomy. Provincial politics were suffused and distorted by nationalist politics. Under the control exercised by the 'high command', which imposed on the Provincial Ministries a more or less uniform programme, supervised their execution of it, regulated their relations with the Governors and finally ordered their resignation, government was not responsible, nor were the Provinces autonomous, in the sense or to the extent intended by the constitution. In the four 'Non-Congress Provinces' it was quite otherwise. The parties which obtained majorities at the elections and took office were not pledged to 'combat' the constitution. They were all nationalist. They all desired India's attainment of a free nationhood. None of them was satisfied with the Act of 1935. But they were willing to work the Provincial constitution, as the Moslem League put it, 'for what is was worth'. Moreover, though the League claimed to represent all Moslem India, its leaders had not acquired by 1937 the authority over the Moslem community as a whole which the Congress leaders unquestionably exercised over all Congressmen. The League was by no means inactive, and from the autumn of 1937 onwards it grew rapidly stronger in numbers and in influence; but, till 1941 at any rate, it did not attempt to control Moslem Ministers as the Congress controlled Congress Ministers. In those four Provinces, therefore—and there was ultimately a fifth—though their domestic politics were affected from time to time by external forces and influences, the Act had a reasonably fair trial. For a few years, at any rate, government was responsible in the accepted British sense, and, until a measure of control was restored to the Centre for war purposes, the Provinces were autonomous to the full extent intended by the Act. It will be convenient, therefore, to examine the working of the constitution in those Provinces first.

#### 1. THE GOVERNMENT

The political situation in Bengal is in three respects unique. First, the population is much more evenly balanced between Moslems and Hindus

than in any other Province, the former constituting 55 per cent., the latter 45. Secondly, the British resident business community, centred in Calcutta, is the largest in India: it numbers over 20,000 as against some 2,500 in Bombay. Thirdly, the division into several small discordant parties and groups, remarked by the Simon Commission, has been a pervasive institutions. That it persisted in 1937 was clear from the results of the elections. In the contests for the Legislative Assembly the Congress was the dominant feature of Bengal politics since the first introduction of representative institutions, but they only won 60 seats out of 250, and, whereas in Madras, for example, the 159 Congress members formed a single solid Congress block, in Bengal only 48 of the 60 were Congress *tout court*, the other 12 carried the extra tickets of the Scheduled Castes (as the Depressed Classes are now officially termed), Labour, and the Tippera Krishak Samity (Tippera Cultivators' Society). The next largest party was the Independent Moslems with 41 seats, followed by the Moslem League with 40, the Proja Party (a predominantly Moslem body representing the special interests of the agrarian tenantry) with 35, the Europeans (or British community) with 25, the Independent Scheduled Caste group with 23, and the Independent Caste Hindus with 14.<sup>1</sup> Government in Bengal, therefore, could only be a coalition government of a sort. But, when it was formed in April, the Congress 'high command' had not yet decided whether Congressmen should be permitted to take office. The Bengal coalition was based, accordingly, on the Moslem League, the Proja Party, the Scheduled Caste Party and the small but important group of Independent or non-Congress caste Hindus. Its leader was Mr. A. K. Fazl-ul-Huq, a vigorous and resourceful politician whose name has figured more than once in the first part of this Report. Though apt on occasion to use strong language on communal issues, Mr. Fazl-ul-Huq's record has not always been that of an uncompromising communalist. He was one of the signatories of the Congress-League Pact of 1916, and in 1918 he was at the same time President of the Moslem League and a General Secretary of the Congress. If in subsequent years he had fallen out of the Congress ranks, he had had experience both in Provincial and in municipal politics (he was Mayor of Calcutta in 1935-6) of co-operation with Hindus; and the composition of the Cabinet he now headed was certainly intercommunal. Of the unusually large number of ten Ministers besides himself, half were Moslems and half Hindus.

But it was not a strong or stable Government. There was occasional strain and dissension inside it. Mr. Nausher Ali, the Moslem Minister for Local Self-Government, was dropped in June 1938—since he refused to be dismissed, the whole Ministry resigned and was re-appointed without him—and repeated attempts were made in Congress quarters to bring about the resignation of Mr. Sarker, the able Hindu Finance Minister, who had once been a leading member of the Congress. In the legislature, more-

<sup>1</sup> The strength of the chief parties in the Legislative Council (or upper house) was as follows: Independent Moslems 13, Independent Hindus 12, Moslem League 11, Congress 10, Europeans 6, out of a total of 63.

over, though the Government secured its majorities on all important votes, it only did so by obtaining the support of other parties than its own and of smaller groups and individuals. And this support was shifting and precarious. In the summer of 1938, for example, the Government was in danger of defeat through the defection of the Scheduled Caste Party, about 24 strong, which had hitherto co-operated with it, but now, after discussions with Mr. Gandhi who twice visited the Province in this period, formed a separate group in *liaison* with the Congress. Ten motions of no-confidence in individual Ministers were tabled, and, as the day for their discussion approached, there was intense excitement in Calcutta. Opposition leaders were assaulted in the street, and on the night before the debate some members of the Opposition slept in the House for fear of being seen outside it. On the day itself a procession of Moslems marched to the House to demonstrate their support of the Government. In the event the Government was saved, but not by a large margin. The first resolution was rejected by 180 votes to 111, the next two without a division, and the rest were dropped. If the 25 European members had abstained from backing the Government, it would have fallen, and thenceforward it was frequently dependent on this European support—an unsatisfactory situation for the new Indian Ministry, since nationalism is so easily tinged with racialism. Even with that support the Government would probably have been defeated sooner or later if its most bitter opponents, the Congress, had been able to act effectively or consistently in unison. But the indiscipline of Congressmen in opposition in Bengal was in marked contrast with their discipline in power in the Congress Provinces. Instead of presenting a single well-drilled front they split into warring sections which even Mr. Gandhi's personal influence could not unite.

In these uneasy circumstances Mr. Fazl-ul-Huq might possibly have welcomed a coalition with the Congress or a section of it if he could have got it on reasonable terms; and on several occasions the Congress leaders seemed prepared to lift the ban on coalitions. Rumours of an alliance were abroad in the autumn of 1937 and again in the spring of 1938 at the time of Mr. Gandhi's second visit. But the negotiations broke down, and what Mr. Fazl-ul-Huq thought of them was clear from the tone of the announcement on the subject which he made in April. The Congress, he said, had more than once offered him the Premiership in a coalition Ministry, but, if he had accepted, he would have 'signed the death-warrant of Islam'.<sup>1</sup> This communal rhetoric was significant. The effect of persistent Congress opposition had been a steady drawing-together of the Moslem groups in the Assembly; and from now onwards, though there were still Hindu Ministers in the Government, Mr. Fazl-ul-Huq's hold on office depended mainly on a consolidated Moslem front. While this made for the Government's stability, it weakened its claim to be a genuine inter-communal coalition. Congressmen asserted that it was to all intents and

<sup>1</sup> *Leader*, April 20, 1938.

purposes a Moslem Government, and it was certainly shown to be more Moslem than Hindu when at the end of 1939 Mr. Sarker resigned on a purely communal issue.<sup>1</sup>

The outbreak of the war also strengthened the Ministry. The Premier at once called on the people of Bengal to support the Allied cause, and he and his colleagues showed the greatest readiness to co-operate with the Central Government in everything that concerned the war-effort. The bulk of public opinion was with them, and for nearly two years, though Ministers were faced with serious trouble, to be described presently, in the field of law and order, their hold on the legislature was relatively safe. Nor was it the strength or skill of Congress opposition that accounted for the gradual undermining of their position in the course of 1941. The cleavage in the Congress ranks was now sharper than ever. On one side stood the 'orthodox' Congressmen, more or less obedient to the control of the 'high command', on the other the so-called 'Forward Bloc', led by Mr. Subhas Bose.<sup>2</sup> The reason why the Government became once more unstable was that the Moslems became once more disunited. In August 1941, Mr. Jinnah and the Working Committee of the Moslem League insisted that the League Premiers of Bengal, the Punjab and Assam should resign the seats they had accepted on the new Defence Council.<sup>3</sup> Mr. Fazl-ul-Huq bowed to this decree, though only after some delay and under protest, and he resigned his membership of the League Working Committee. But his reaction against outside interference in the politics of Bengal was not shared by his Moslem colleagues. Led by Khwaja Sir Nazimuddin and Mr. Suhrawardy, the majority of the Bengal Leaguers turned against him. A demonstration was organised in Calcutta, and a violent clash between the two Moslem groups was narrowly averted. For the moment, however, peace was restored. The rival leaders publicly made up their quarrel for the sake of Moslem solidarity.

But it was only a truce. When the legislature met at the end of November it was learned that a new 'Progressive Coalition Party' had been formed, including the Premier's existing supporters, the Proja tenants' group, the 'Forward Bloc' and other minor elements. The Premier denied that he had negotiated with the Opposition; but his inclination to join forces with one or both of the Congress wings was well known—he had proposed it again late in 1940 when communal tension in the Province was nearing breaking-point, but Mr. Jinnah had vetoed it—and all his colleagues resigned. Thereupon Mr. Fazl-ul-Huq accepted the leadership of the new party, to which his opponents replied by dissolving the old Coalition and forming a new Moslem League Party with Sir Nazimuddin

<sup>1</sup> The Government had proposed a resolution asking for Dominion Status after the war, with safeguards for minorities 'based on their full consent and approval'. When Mr. Sarker refused to vote for this on the ground that it gave the minorities a veto on constitutional advance, the Moslem supporters of the Ministry would not acquiesce in his retaining office.

<sup>2</sup> For the conflict between Mr. Bose and Mr. Gandhi in 1939, see p. 91 below.

<sup>3</sup> See p. 253 below.

at its head. After some days of manoeuvre and uncertainty it became clear that Mr. Fazl-ul-Huq could command a majority in the Assembly: on December 16 the formation of a new Ministry, was announced, and on December 17 its personnel was completed. Of its nine members five, including the Premier, were Moslems and four Hindus. Of the latter two were members of the 'Forward Bloc', one was a representative of the Scheduled Castes, and the fourth was Dr. Syama Prasad Mookerjee, ex-Vice-Chancellor of Calcutta University, who became Finance Minister. This last appointment was somewhat startling, since Dr. Mookerjee is one of the most militant members of the militant Mahasabha and the President of its Bengal branch, and not long before he had been engaged in a fierce communal controversy with Mr. Fazl-ul-Huq. But the inclusion of the 'Forward Bloc' was a still more piquant element in the new combination. Its leader, Mr. Subhas Bose, had been arrested in the summer of 1940 for his part in provoking disturbances in Calcutta.<sup>1</sup> In the following January, while on temporary release for reasons of health, he had disappeared and was suspected of trying to make his way in disguise to Japan. Some months later he was broadcasting from Berlin inciting his fellow-countrymen to rebellion. The outbreak of war with Japan cast a further shadow on the 'Forward Bloc' since on December 16, Mr. Sarat Bose, brother of Subhas, was arrested because of 'contacts between him and the Japanese'. Yet, a few days later, two other members of the party, which recognised Sarat Bose as its leader, took the oath of office in a Government committed to the war.

Mr. Fazl-ul-Huq, still in the saddle after more than five years, repeatedly claimed that his new Ministry was a real Hindu-Moslem coalition, giving the rest of India an example of intercommunal co-operation at a critical time. But the Moslem Opposition, of course, denied that. The Government, they said, was now a Hindu Government. Dr. Mookerjee was its strongest personality, and the Premier was virtually his prisoner. And certainly, though Fazl-ul-Huq retained his hold on his large personal following in the countryside, he could no longer be sure that the majority of Bengal Moslems were behind him. In the spring of 1942, at a by-election in the north, his candidate was defeated by a loyal supporter of Mr. Jinnah by 10,843 votes to 840.<sup>2</sup> Since, however, there was no prospect of a general election till after the war, the Government might still hope to retain its majority in the Assembly. But, as time went on, the internal cohesion of the coalition showed signs of weakening. Dr. Mookerjee did not prove an easy colleague. It had been highly embarrassing, for example, for the other Ministers when he publicly encouraged and then attempted to join in the Mahasabha's organised defiance of the neighbouring Government of Bihar at the end of 1941,<sup>3</sup> and in the course of 1942 he made it clear

<sup>1</sup> See p. 84 below.

<sup>2</sup> The League has won all the 7 Moslem Assembly by-elections since Jan. 1, 1938. See Appendix VI, p. 838 below.

<sup>3</sup> See p. 255 below.

that he was far from satisfied with the working of the constitution. Finally, in November, he resigned. Provincial autonomy, he told the world, was 'a colossal mockery'<sup>1</sup>—an opinion which was not shared by other Ministers in the non-Congress Provinces, nor indeed, as will be seen, by the Congress Ministers when they were in office.

## II. LAW AND ORDER

The Bengal Provincial Committee which co-operated with the Simon Commission might have been expected to agree in claiming the maximum of self-government for its own Province, but in fact it had been divided on the point, some of its members holding that the control of the police should not be 'transferred', or at least not unreservedly, to Ministers.<sup>2</sup> In view of Bengal's notorious record of conspiracy and outrage, such caution was not unnatural. No other Province, except the Punjab, contained such dangerous elements. None of the other new Governments succeeded to such a troublesome inheritance. The measures of repression taken in Bengal in face of the Congress' direct defiance of authority had been more severe than elsewhere because political agitation was more deeply imbued with the doctrines of revolutionary violence. For the same reason the Bengal Government was not so ready as those of the Congress Provinces to repeal the 'repressive' legislation of the old *régime*. All the old laws and ordinances remained in force with one exception. When the period of the Public Security Act of 1932, which provided for emergency powers to control subversive agitation such as the 'civil disobedience' movement, expired in 1938, Ministers, whose position in the Assembly that summer was not strong, decided not to renew it.

A much more awkward inheritance for the new Government than the 'repressive' laws of the previous *régime* were the 'victims', as the Congress put it, of those laws. When Mr. Fazl-ul-Huq took office, no less than 2,304 persons were being 'detained' without trial, under the Bengal Criminal Law Amendment Act or older Regulations, because they were believed to be members of secret terrorist societies. Of these 1,152 were in jails or detention camps and the rest confined to their homes or villages. There were also a number of convicts in the Provincial jails—387 at the beginning of 1938—who had been tried and sentenced for criminal offences in connexion with the terrorist movement. In 55 cases the crime had been murder, in 10 attempt to murder, in 102 dacoity (gang-robbery) with attempt to murder. In a few cases the conviction had been for an offence in which no violence had been used, *e.g.* seditious speech or the breach of restrictive regulations.

The character and criminality of those numerous *détenus* and convicts were thus widely varying. At one end were those who had done no violence;

<sup>1</sup> *Statesman*, Nov. 27, 1942.

<sup>2</sup> *Indian Statutory Commission*, vol. iii (*Reports of the Committees appointed by the Provincial Legislative Councils*), Cmd. 8572, pp. 169-70.

at the other were adherents of the black cult of murder which has so long stained the political annals of Bengal. But in its denunciation of the whole system of 'repression' the Congress had made no such distinctions. For years past it had fixed on the Government's treatment of political agitation as the worst manifestation of 'imperialist tyranny'. Now that law and order, 'reserved' under dyarchy, were in the charge of Indians responsible to Indian opinion, it insisted that the civil liberties of the people must be promptly restored. All 'repressive' laws must be repealed, and all 'political prisoners'—a collective label usually applied to both *détenus* and convicts without discrimination—must be released forthwith.

The attack was opened in this field soon after Ministers had taken office. In the summer of 1937, 225 out of the 280 terrorist convicts confined in the Andaman Islands—a penal settlement utilised by all the Provinces—started a hunger-strike to enforce a demand for the general and immediate release of all 'political prisoners'. Sympathetic hunger-strikes ensued in a jail in Bengal and in a camp in Ajmer-Merwara where 150 Bengali terrorists were in detention. Their cause was taken up by Congress spokesmen all over British India. In Bengal itself there was violent and widespread excitement and agitation, and Ministers were bitterly assailed as the foes of Indian freedom.

Ministers for their part were ready to admit that the introduction of the new constitution justified a review of sentences or restrictions imposed on opponents of the old *régime*. The release of 'political prisoners' had figured, indeed, as the last item on the Premier's electoral programme. But Mr. Fazl-ul-Huq and his colleagues insisted from the outset on distinguishing first, between the *détenus* and the convicts and, secondly, between different convicts according to the gravity of their offences. As regards the *détenus* they came to a decision soon after taking office. They could not ignore the fact that on two previous occasions, in 1920 and in 1928, large numbers of *détenus* suspected of terrorism had been released wholesale and that on both occasions the result had been such a recrudescence of terrorist crime as to necessitate the renewal of restrictive measures. The Government's policy, therefore, as expounded by the Home Minister, Sir Nazimuddin, early in August 1937, was not wholesale or immediate but gradual release—a process which could be 'accelerated in proportion to the co-operation and support given to the Government by the public in rallying opinion against terrorist methods'.<sup>1</sup> This policy was pursued to its conclusion in just over a year. On August 25, 1938, the Home Minister was able to announce that all the *détenus* had been set free.

This did not satisfy the Congress Opposition. Throughout those twelve months they had been demanding that not only the *détenus* but also the convicts should be released. As to the manner of it, however, they disagreed. The left wing, headed by Mr. Subhas Bose, whose revolutionary sympathies were notorious, wanted all the convicts to be freed at

<sup>1</sup> *Bengal Legislative Assembly Proceedings*, vol. II, no. 2, Aug. 9.

once, whatever crimes they had committed and at whatever risk to the public. The right wing, which was more amenable to the direction of the Congress 'high command' admitted that some guarantee was needed as to the effect of release on public safety, and Mr. Gandhi, who visited the Province in November 1937, and again in March 1938, maintained that it would be a sufficient guarantee if a convict declared that he had abjured the principle of violence. Mr. Gandhi offered to obtain such assurances himself, and he was engaged in interviewing convicts when a breakdown of health compelled him to return to his *ashram* near Wardha. Mr. Bose, for his part, promised Ministers the backing of his party if they would agree to immediate and unconditional release of all the remaining convicts, and this promise was endorsed by the Provincial Congress Committee which appealed for funds and for 10,000 volunteers to open a campaign of 'direct action'.<sup>1</sup>

Neither Mr. Gandhi nor Mr. Bose succeeded in diverting the Government from the policy which they finally laid down in September 1938. They intended, said the Home Minister, (1) to release at once all terrorist convicts suffering from grave or lasting illness, (2) to release as soon as possible those who had not been convicted of murder or serious violence and had not more than 18 months of their sentences still to run, and (3) as regards the remainder, to set up an advisory committee of nine, including six members of the legislature and presided over by a High Court judge, which would consider each case on its merits and recommend what action the Government should take. The upshot of this procedure was that by October 1939, 12 terrorist convicts had been released unconditionally, 41 had been offered release on conditions, and 7 had been granted remissions of sentence: 41 were left as they were.

Thus Ministers emerged from a long and troublesome controversy without loss of prestige. They had regarded some measure of release as a political necessity, and, as to the extent and method of it, they had adopted a consistent policy from which they had not been deflected by cajolery or threats. As regards the more dangerous prisoners at any rate the process of release had been properly deliberate, and a substantial residue had not been released at all. Nevertheless to discharge more than 2,000 people who had been convicted or gravely suspected of being associated with terrorism was to take a serious risk. And some of the men who were freed made trouble. Early in 1939 it was reported that *ex-détenus* were at work among the peasantry, fomenting agitation against the landlords and preaching Communist doctrine; and the Home Minister took occasion in the

<sup>1</sup> In the matter of 'hunger-strikes' there was a measure of agreement between the Government and more moderate Congressmen. When Mr. Gandhi was in the Province in November 1937, he condemned 'hunger-strikes' on principle, and the formal re-affirmation of this opinion by the Congress Working Committee in February 1938 (*Times of India*, Feb. 21, 1938) soon brought the strikes to an end. When hunger-striking was resumed in the summer of 1939, it received a still stronger reprimand. If convicts can free themselves by hunger-striking, declared the Working Committee, 'orderly government will become impossible'. (*Ibid.*, Aug. 14, 1939.) 'If a prisoner decides to starve himself to death', said Mr. Gandhi in an outspoken article, 'he should in my opinion be allowed to do so.' (*Harijan*, Aug. 13, 1939.)



Assembly to deliver a strongly-worded warning. The Secret Societies, to which the *ex-detenus* belonged, he said, were as well-organised as ever, and their aim was social revolution.<sup>1</sup> There was no overt terrorism, however. In some cases it was thought that the abjuration of violence at Mr. Gandhi's bidding had been genuine, and, if it was too much to expect that all the devotees of Kali had really been converted to the doctrine of *ahimsa*, at least there were no political murders.

After the outbreak of the war, however, there were signs of a recrudescence of organised terrorism. Several of the terrorists recently released were believed to be assuming their old activities, and in the spring of 1940, as a measure of precaution, some 20 of them were re-arrested and detained under the powers granted by the new Defence of India Rules. And behind the terrorists and by no means out of sympathy with them were the revolutionaries of Mr. Subhas Bose's school. At the end of June a serious threat to the peace of Calcutta was engineered by Mr. Bose. For some time past, as it happened, an agitation had been going on for the removal of the monument which commemorates the tragedy of the 'Black Hole'. That historic incident, it was said, was a British invention, and the monument was a libel on the good name of Siraj-ud-Dowlah. The question was under Government's consideration when Mr. Bose suddenly announced that he would resort to 'direct action' on July 3 if the monument were not at once removed. He rejected all appeals to await the Government's decision and on July 2 he was arrested under the Defence of India Rules. Every day for the next three weeks parties of 'volunteers' approached the monument with the evident intention of damaging it and were arrested. By July 24 the number of arrests had nearly reached 300. Meantime the agitation was spreading among the large student community in Calcutta, and, since Siraj-ud-Dowlah was a Moslem, among Moslem as well as Hindu students. On July 22, on which date the Moslem students had threatened a 'general strike', a demonstration in front of the Islamia College was broken up by the police. Some of the youths who were hurt in the charge had taken no part in the demonstration and so great was the public indignation that the Premier declared next day that the monument would be removed forthwith. Since, however, it was a 'protected' monument, this decision required the consent of the Central Government under the Ancient Monuments Preservation Act of 1904, and the matter had, therefore, to be referred to the Governor-General and the Secretary of State. They agreed that the monument should be removed from the list of 'protected' monuments, and it was thereupon transferred to one of the Calcutta cemeteries. Six months later, as has been seen, the chief instigator of this trouble disappeared.

Revolutionary agitation is not, of course, the only danger to law and order in Bengal. There is communal strife, and there is Communism and

<sup>1</sup> *Bengal Legislative Assembly Proceedings*, vol. liv, no. 4, pp. 81-6.

labour trouble. As to the two latter the Province was relatively free from serious disturbance on a large scale during this period. The Communists confined their public activities to propaganda, and the Government made it clear that direct incitement to sedition and terrorism would not be tolerated. In 1938 the editor and printer of one newspaper were prosecuted and convicted, but acquitted on a technicality on appeal. In 1939 a well-known Communist, Mr. Batliwala, and Mr. R. M. Lohia, a Congress Socialist and sometime secretary of the foreign department of the All-India Congress Committee, were likewise charged with sedition: the former was sentenced to six months' imprisonment, the latter was acquitted. When Russia came into the war in 1941, the attitude of the Communist Party changed in Bengal as elsewhere. Instead of denouncing the 'imperialist war', they declared their desire to fight the Nazis; and in due course the Government thought it safe to release a certain number of Communists. More of them were freed when the Central Government in the summer of 1942 removed the Communist Party from the list of 'unlawful associations'.

Nor was Bengal as much afflicted as some other Provinces by labour trouble. There was a strike in the jute mills of Calcutta in the spring of 1937 and another, involving some 14,000 men, in the iron and steel works at Kulti and Hirapur in the summer of 1938. But both of these were settled without grave disorder by Government intervention. In November 1938, a big strike started in the jute mills at Titagarh. It involved about 43,000 men and lasted six weeks. Rioting broke out and quickly became communal. Three persons were killed and sixty-five injured. Early in January the strike collapsed. At about the same time a strike at a shoe factory, provoked by Communist agitation, led to such turmoil between mobs of strikers and workers that the police were compelled to fire, but no one was killed. At the end of a fortnight the dispute was adjusted. The summer of 1939 was peaceful, but, after the war began, labour became more restless. There were large-scale strikes in the jute industry in 1939 and in the summers of 1941 and 1942. In the spring of 1940, 50,000 scavengers struck in Calcutta. These and other lesser disputes were all settled with the Government's assistance, mostly by the concession of higher wages.

More serious was the communal trouble. For their first few years of office Ministers were relatively free of it. Communal antagonism was sharp enough among the politicians, but it did not spread to the masses. In marked contrast with some other Provinces there was hardly any rioting. Even at the simultaneous celebration of a Moslem and a Hindu festival, Muharram and Holi, the fighting which such an occasion usually provokes resulted in only a single death. But this period of relative calm came to an end in 1940. In August that year there was an outbreak of communal disorder at Dacca: the police were attacked by a Moslem mob, and, opening fire, killed one of their assailants and injured three. In September, in a riot in the Burdwan district, the police were again attacked, this time

by Hindus, four of whom were killed: another Hindu was done to death by Moslems. In February 1941 some sixty people were injured in a disturbance caused by a Muharram procession: *lathi* charges and tear-gas were needed to disperse the mob. At the end of February communal tension in Bengal as in other Provinces was aggravated by the census operations, the result of which would, of course, establish the numerical proportions of the Moslem and Hindu communities in any area. Early in March a petty personal dispute in the Khulna district precipitated a fierce conflict in which several lives were lost, two villages were burnt out, and large quantities of corn destroyed. On the 17th a more serious and protracted outbreak began at Dacca with an assault on a Moslem in the Hindu quarter. Next day there were further assaults, looting started, and a mosque was attacked. For the next three days a series of pitched battles were fought between Hindu and Moslem mobs, and looting and arson were rife. Both police and troops were forced to open fire. After the 21st the situation improved, but on April 10 there was another riot which was dispersed by tear-gas. From first to last over 50 persons were killed and many more injured. Nearly 700 arrests were made, and an additional force of police was stationed in the city for three months at the cost of its inhabitants. The trouble, meanwhile, had spread from Dacca to the countryside. In the city the Hindus had been the more aggressive party, in the country it was the Moslems who attacked. Several Hindu villages were fired and looted, and a great number of Hindus, as many as 10,000 it was said, fled from their homes. By the end of April order had been restored, most of the fugitives had returned, and officials were at work assessing the damage done and the amount of relief required by those villagers who had lost their means of livelihood.

At an early stage in the course of these disorders the Governor (Sir John Herbert) had invited the leaders of all groups in the Assembly to a conference with a view to trying to check the growing strife. Six Ministers, the chief Government whip and seven Opposition leaders attended, and a series of meetings were held between March 10 and the end of April, when an agreed *communiqué* was issued, appealing for communal peace and outlining a scheme for the setting-up of 'goodwill committees' throughout the Province. It was hoped that the appointment of a judicial committee of inquiry into the Dacca riots a few weeks later would also assist in improving the atmosphere. But on June 26 trouble began again at Dacca. Though order was soon restored, occasional assaults continued till July 7. The final death-roll was over 80. By this time, happily, the fever was beginning to burn out. Public opinion, both Moslem and Hindu, had evidently realised that it was time a truce was called. By the end of the month more or less normal conditions had been restored. There was another period of tension in Dacca in October and a recurrence of isolated assaults, but this time the trouble soon died down, and the Province as a whole was practically free from major communal disorder for the next twelve months.

It remains to assess the reaction of this grave revival of communal strife on the political situation. Undoubtedly the politicians had been themselves to some extent responsible. It has already been noticed that in the period preceding this last outbreak communal discord had been more marked in the legislature and the Press than among the mass of the people. Despite its mixed composition Mr. Fazl-ul-Huq's Ministry was consistently denounced by Congressmen and members of the Mahasabha—whose influence was now fast growing in Bengal—as being engaged in a deliberate attempt to undermine the position, political and cultural, of the Hindu community; and the Government's tampering with the Calcutta municipality and its proposals in the field of secondary education—to be mentioned presently—were cited to prove the charges. The strong language, moreover, in which the Premier occasionally indulged, did not make for harmony. Yet Mr. Fazl-ul-Huq's political tactics, as has been seen, had never been dominated by the communal issue; and towards the end of 1940, when communal tension was nearing breaking-point, he publicly proposed that the Moslem League should take the initiative in an attempt to come to terms with the Congress and he wrote to Mr. Jinnah asking him to call a meeting of the League Working Committee to discuss the proposal. Mr. Jinnah replied that he too desired a settlement, but that it was impossible to obtain one when the Congress was trying to compel the British Government to accept its demands and leave the Moslems in the lurch.<sup>1</sup> In this opinion Mr. Fazl-ul-Huq ultimately acquiesced. But it seems probable that, just as the Congress 'high command' had frustrated his previous efforts at a settlement, so now the chief obstacle was again not in Bengal but in the all-India policy of the League as dictated by Mr. Jinnah.

To sum up, it may be said that the record of the Bengal Ministers in the field of law and order as a whole has certainly justified its 'transference'. Though some of them have been impulsive and provocative in speech, they have been cool, firm and impartial in action. They have adopted strong measures themselves, and, when similar measures had to be taken by a local official in emergency on his own responsibility, they have not disavowed him. If the latent forces of disorder may be quite as formidable now as they were six years ago, no fair critic can ascribe it to the conduct of the Government; and, if no one can tell what would happen in the event of a Japanese invasion, the Provincial war-effort has not been relaxed and Ministers have faced without flinching the arrival of the enemy on the Bengal frontier and the first bombings of Bengal towns.

### III. SOCIAL POLICY

The three main social reforms which the Congress had long been advocating were the liberation of the agricultural masses from old-fashioned tenancy laws, high rents and indebtedness, the extension of education

<sup>1</sup> The correspondence was published on January 28, 1941, by Mr. Jinnah despite Mr. Fazl-ul-Huq's request to the contrary.

especially in the primary field, and Prohibition. Agrarian reform and compulsory primary education were also the first two items in Mr. Fazl-ul-Huq's electoral programme.

In the first session of the legislature the Government announced the appointment of a commission, with Sir Francis Floud as chairman, to examine the land-revenue question with special reference to the Permanent Settlement which, as all students of Indian history know, has controlled for more than a century the development of the agrarian system in Bengal. Its Report was published in 1940. The majority held that the Permanent Settlement and the *zamindari* system it had confirmed were out of touch with modern conditions, and recommended that all interest in land-rent should be taken over by Government with payment of compensation and that a *ryotwari* system should be introduced so as to convert the cultivators into Government tenants. The minority took the view that State acquisition would be a financially hazardous and economically unwise experiment. The general opinion was that any drastic treatment of the position should be postponed till after the war. There was some discussion of the Report in the Assembly, but no action was taken.

Meantime the Government had already carried a measure of tenancy reform under the existing system. The Bengal Tenancy (Amendment) Bill was on somewhat similar lines to those of the corresponding legislation in the Congress Provinces. Among its purposes was the restriction of the landlords' powers of recovering rent, the abolition of landlords' fees on the transfer of holdings, the reduction of the rate of interest on arrears of rent from 12½ per cent. to 6½ and the suspension for ten years of all provisions relating to enhancement of rent. In its early stages the bill was opposed by the European Party, but the Premier declared that the amendments it proposed would rob the bill of all meaning and that, if it were not carried, he would resign. Since the subject of the bill had headed his electoral programme, this firm attitude was not unnatural, and in the light of it the Europeans decided to withdraw their opposition and take a neutral line. The bill passed the Assembly in the autumn of 1937 and the Council in the following spring. The Governor returned it with two suggested amendments, both of which were accepted. In August 1938 the bill became law.<sup>1</sup> Another tenancy bill was introduced at the end of 1939, mainly designed to protect tenants in the matter of mortgages and arrears of rent. This bill also was amended in accordance with the Governor's suggestions and received his assent in January 1941.<sup>2</sup>

In Bengal as elsewhere the relief of rural indebtedness was linked with tenancy reform. In the summer of 1939 a bill was introduced which required all moneylenders to be licensed and to regularise their business and, among other provisions for the protection of debtors, prescribed 10 per cent. and 8 per cent. per annum simple interest at the maximum charges on unsecured and secured loans respectively. After passing both houses

<sup>1</sup> VI of 1938.

<sup>2</sup> XVIII of 1940.

the bill was reserved for the consideration of the Governor-General. In July 1940, it was assented to.<sup>1</sup>

The Bengal Shops and Establishments Act,<sup>2</sup> signed in September 1940, provided for the closing of shops and for holidays for employees without loss of pay on 1½ days in each week and for closing on other days at 8 p.m., regularised the payment of wages and overtime, and entitled employees to obtain a fortnight's leave on full pay each year. The Act applied in the first instance to Calcutta and Howrah, but could be extended by notification elsewhere.

More controversial was a bill which proposed certain changes in the constitution of Calcutta Municipality, including the introduction of separate electorates for Moslems and Anglo-Indians and of reserved seats for the Scheduled Castes. It was fiercely denounced by the Hindu Opposition as a deliberate and reactionary attempt to secure for the Moslems an unfair share of power in municipal politics, but it ultimately passed the legislature and received the Governor's assent in July 1939.<sup>3</sup>

Among other bills which reached the statute-book may be mentioned a bill to establish a fund for relief and insurance against famine and other calamities of nature, a bill to enable women employed in industry to keep their jobs and obtain subsistence during the period of childbirth, and a bill for the assistance of the poor and unemployed in rural areas.<sup>4</sup>

There is one notable omission in this record of legislative achievement. The election pledge to introduce compulsory primary education was not fulfilled, mainly, no doubt, because of the very high cost involved. An attempt was made to deal with secondary education, but the bill was almost as bitterly attacked on communal grounds as the municipal bill, and, unlike the latter, it was shelved. Nor could it be said that in administration the Bengal Government showed the same zeal and initiative in the educational field as were shown in the Congress Provinces. The official review of educational progress in Bengal from 1932 to 1937 had painted a gloomy picture of the results of financial depression under the old régime,<sup>5</sup> and the new Ministry cannot be said to have substantially improved the situation. Something was done to consolidate the system of primary education and to combat illiteracy among the masses, but there was nothing new or striking in theory or practice. 'The stagnation and wastage in the primary stage', confessed the departmental Report for 1938-9, 'is still appalling.'<sup>6</sup> Such progress as was made seems to have been inspired mainly by communal interests which were bound to have a reactionary effect on the curriculum and on the general standard of teaching.

Another social reform on which the record of the Bengal Government

<sup>1</sup> X of 1940.

<sup>2</sup> XVI of 1940.

<sup>3</sup> The Calcutta Municipal (Amendment) Act, XI of 1939.

<sup>4</sup> The Bengal Famine Insurance Fund Act, III of 1938; the Bengal Maternity Benefit Act, IV of 1939; and the Bengal Rural Poor and Unemployed Relief Act, X of 1939.

<sup>5</sup> *Quinquennial Review of the Progress of Education in Bengal, 1932-7*, pp. 2-3.

<sup>6</sup> *Annual Report of the Bengal Department of Education, 1938-9*, p. 10.

was less impressive than that of its Congress rivals was a more controversial question. Mr. Fazl-ul-Huq and his colleagues did not share the enthusiasm for Prohibition which Mr. Gandhi had instilled in the ranks of the Congress, nor were they as ready as he was to contemplate the serious loss of excise revenue it would involve. It was introduced in the spring of 1938 in a single district; but the Finance Minister declared that it was not an urgent problem in Bengal, and that, though the experiment might be extended if successful, it would be abandoned altogether if it failed. Cynics pointed out that the district chosen was the one which returned the smallest excise revenue.

## CHAPTER V

### THE NON-CONGRESS GOVERNMENTS: II. THE PUNJAB

At least as much as Bengal and more than any other major Province the Punjab possesses a distinctive character rooted in its geographical situation, its history, and especially its great military tradition. 'The shield, spear-head and sword-hand of India', as a Punjabi called it at the Round Table Conference,<sup>1</sup> it provided nearly 58 per cent. of the fighting men of the Indian Army before the war; and during the last three years its famous regiments have won new laurels in the field in Africa and the Middle East. The Punjab has its own patriotism, and, while this certainly does not mean that Punjabis are less determined than other Indians to attain an equal footing with other peoples in the world, it does mean that the nationalist movement in the Punjab has, or had till very recently, maintained an unusual measure of independence of or aloofness from the all-India nationalist organisations. Under the pre-1937 régime the Congress had less influence in the Punjab than in any other Province. In the successive elections to the dyarchic Legislative Councils the number of successful Swarajist candidates dwindled till only two or three were left. Nor was the Moslem League so important in the Punjab as it was in the neighbouring United Provinces: the leading Moslem politicians were not members of it. This aloofness was doubtless one of the reasons why the Act of 1919 worked reasonably well in the Punjab. To quote the Simon Report:

The Punjab Legislature has not at any time attempted to bring administration to a standstill, and has on occasion shown itself ready to risk unpopularity both in support of the Government on matters affecting law and order and in imposing taxation. It has shown itself more interested in practical affairs than in political abstractions.<sup>2</sup>

The strength of this independent Punjabi patriotism is the more remarkable in that the Punjab has always suffered at least as much as any other Province from communal dissension. But it is not a clean issue, as it is in Bengal for example, between the Moslems, who number 57 per cent. of the population, and the Hindus, who number 26½ per cent. There are also the Sikhs, who number only 18½ per cent., but who have always claimed that their traditional footing in the Province, of which less than a century ago they were the rulers, and their outstanding contribution to the ranks of the Indian Army entitle them to 'weightage'. The allocation of seats in the Punjab was one of the thorniest questions in the long unprofitable controversy which was closed for the time being by the Communal Award of 1932. The relative success, moreover, of the constitution of 1919 in the Punjab did not imply that parliamentary government was operating there in the way the authors of the constitution had hoped. Parties were not so

<sup>1</sup> See Part I, 116.

<sup>2</sup> *Simon Report*, i, 208.



much political as communal. Social or economic issues failed to cut across the lines of communal division. The most promising move in that direction was the formation of the Punjab National Unionist Party, which stood for the interests of the rural population irrespective of its creeds; but before very long the Hindu and Sikh members of the Party began to drop out till it became almost wholly Moslem. Thus politics in the legislature were mainly communal politics. To quote the Simon Report again:

The most striking feature of the Council remains its deep communal cleavages; and the stability of the successive Ministries is largely to be explained by the existence of the official *bloc* generally in a position to hold the balance between nearly equal forces of Muhammadans on the one side and Hindus and Sikhs on the other.<sup>1</sup>

### I. THE GOVERNMENT

The disappearance of the official *bloc* under the Act of 1935 might have produced a difficult situation if the National Unionist Party had not obtained a clear majority at the elections of 1937—ninety-six seats out of 175. Its leader, Sir Sikander Hyat Khan, who had been a member of the Executive Council under the old *régime* and had twice acted as Governor of the Province, could count, moreover, on the support of a group of fifteen to twenty Sikhs, known as the Khalsa Nationalist Sikhs. He formed a cabinet of three Moslems, two Hindus, and one Sikh. Sir Sikander was still in office when he died at the end of 1942—a record only beaten by Mr. Fazl-ul-Huq; but his Ministry was far more stable and united in itself, despite the communal strains to which it was subjected, and kept a far firmer hold on the respect and support of the legislature. This was largely due to the personality and prestige of the Premier, but not wholly. The level of ability and public repute among the Ministers as a whole has been higher than in most other Provinces. Three of them, besides the Premier, had served at one time or another on the old Executive Council. Of the two Hindus Sir Manohar Lal, a man of considerable academic distinction, represented within the Cabinet the very class, the urban Hindu commercial class, which, as will be seen, was to suffer most from the forthcoming legislation, while Sir Chotu Ram, the Revenue Minister, was able to influence opinion among Hindus in the rural areas in the face of bitter Congress opposition. And this strong and compact cabinet was backed by a strong and compact majority in the Assembly. A little 'cave' of nine Independents broke away from the Unionist Party in the summer of 1938, but otherwise the alignment of forces remained more or less unchanged, and the Government was never in serious danger of defeat. Not that it had a quiet time. On the more controversial questions the temper of the legislature was stormy; there were frequent 'scenes'; and in the winter of 1938 the Government introduced a bill for the appointment of a Serjeant-at-Arms to assist the elderly Speaker to maintain discipline. It was carried, against vehement opposition, in the course of 1939.<sup>2</sup>

<sup>1</sup> *Simon Report*, i, 208. <sup>2</sup> The Punjab Legislative Assembly (Offices) Act, VII of 1939.

The strength and solidarity of the Government were confirmed by the outbreak of the war. At the time of the Munich crisis in 1938 the Premier pledged the Punjab to the unconditional support of Britain in the event of war. When 'we offered our hand' in the last war, he said, 'we were still in our political apprenticeship': it is offered again, by a Punjab 'which has now attained its political majority'.<sup>1</sup> In May 1939 a resolution to the same effect was carried unanimously in the Assembly. On August 25 Sir Sikander repeated his assurance of the previous year. 'The manpower and resources of the Punjab will be unhesitatingly and ungrudgingly placed at the disposal of Great Britain and her Allies, in the service of our motherland, and for the sacred cause of justice, righteousness and freedom.'<sup>2</sup> When war had finally broken out, it was believed that the Premier would have been willing to take some leading Congressmen into the Ministry if they had been willing to co-operate in the war-effort. In November he submitted a resolution to the Assembly declaring its determination to resist aggression and protect the security and honour of the Punjab and India, and asking for an assurance that the constitutional position should be reconsidered after the war with a view to India's immediate attainment of Dominion Status with effective protection of minorities and in agreement with all parties concerned.<sup>3</sup> This resolution was carried by 104 votes to 39; and thenceforward, though there was evidence of anti-war sentiment and defeatism in some Congress quarters, the Punjabis as a whole remained true to their martial tradition, provided a steady flow of recruits for the armed forces, and backed without demur the Ministry's unswerving war policy.

Nevertheless, as the war years went slowly by, the Government's popularity declined. This was partly due, no doubt, to mere staleness, the effect on public opinion of seeing the same men in office year after year; but it was also due to the intrusion of an external factor, the Moslem League, and the consequent exacerbation of communal feeling, especially among the Sikhs. The enrolment of the Moslem members of the Unionist Party as members of the League, the conflict between Sir Sikander and Mr. Jinnah, the former's apparent acceptance of the Pakistan policy—all this will be recorded later.<sup>4</sup> Here it must be noted that, though these developments were welcomed by more militant Moslems as making for Moslem solidarity, they weakened the Premier's claim that the Punjab should as far as possible keep itself to itself and deal with its own communal difficulties in its own way. To the Sikhs the ascendancy of the League was particularly alarming. Mindful of the days when they had ruled the Moslems, they fiercely repudiated the idea of Pakistan. When the Viceroy enlarged his Executive Council in July 1941,<sup>5</sup> the fact that none of its eight Indian members was a Sikh was taken as a slight on the national importance of the Sikh

<sup>1</sup> Statement of Sept. 26, 1938; *Hindustan Times*, Sept. 29.

<sup>2</sup> *Statesman*, Aug. 27, 1939.

<sup>3</sup> *Punjab Legislative Assembly Debates*, vol. x, no. 8, p. 598.

<sup>4</sup> See Chapter XVII.

<sup>5</sup> See p. 280 below.

community; and, though the Punjab Premier was not in any way responsible, he was blamed for it. There was a stormy Sikh conference, with the militant Akalis in the foreground, at Amritsar in August 1941; there were threats of 'direct action'; and in the course of the following winter alarmist rumours were current of an imminent Sikh revolt. Nor was the Sikh attitude softened, it was hardened, by the British Government's plan for the drafting of the post-war constitution, expounded by Sir Stafford Cripps in the spring of 1942.<sup>1</sup> A little later, however, a concordat was at last achieved. In July 1942 Sir Sikander Hyat Khan came to terms with Sardar Baldev Singh, a Sikh who commanded much more influence in his own community than the Sikhs who had hitherto held office, and appointed him Minister of Development. A few days later the Viceroy again expanded his Council, and among the eleven Indian Members there was now a Sikh, Sir Jogendra Singh, Member for Education, Health and Lands. As a result of these moves, particularly the former, the Punjab Government recovered most of its earlier strength, and it looked as if it would outlast the war when on December 26 Sir Sikander Hyat Khan died suddenly of a heart attack.

## II. LAW AND ORDER

For many years the Punjab has ranked with Bengal as a Province in which the public peace is in serious and constant danger—from terrorism, from revolutionary Communism, and from communal strife—and in which, therefore, the firm maintenance of law and order is the Government's first and gravest responsibility.

On taking office Sir Sikander Hyat Khan's Ministry was immediately confronted with the problem which had created so much turmoil in the Provinces to the eastward and especially in Bengal. The hunger-strike movement for the release of 'political prisoners' began in a Punjab jail; and if the number of Panjabi terrorists serving their sentences was only 44,<sup>2</sup> that number ranked next to the exceptionally high number of Bengalis. The original strike in November 1937, in which only two convicts participated, attracted little public attention; but at the end of the year a Political Prisoners Release Society took the field, and when, early in 1938, another hunger-strike, involving some twenty convicts, mostly terrorists, was started at Lahore, this Society organised a public demonstration of sympathy. Some 20,000 people gathered round the Assembly Hall and subjected the police to a shower of brickbats and abuse. But the Government stood firm, and it was aided, as in Bengal, by Mr. Gandhi's repudiation of hunger-striking. Congress leaders were permitted to interview the convicts, and towards the end of February 1938 the strike was called off. In March seven 'non-violent' prisoners and in April five terrorists were released, on the understanding that any further misconduct would

<sup>1</sup> See p. 280 below.

<sup>2</sup> Of these 16 had been convicted of murder, 2 of attempt to murder, and 7 of dacoity with attempt to murder.

lead to their re-arrest. The trouble in the Andaman Islands having stimulated a demand in the Punjab as in other Provinces for the 'repatriation' of convicts from that distant settlement, the Punjabi terrorists confined there were transferred to jails at home in the course of the summer. As far as the Punjab was concerned that was the end of the prisoners' release affair.

In the middle of March 1938 a nasty incident occurred which showed how easily political controversy could degenerate into violence and bloodshed. Congress speakers having been severely heckled at a meeting at a village in the Amritsar District, a second meeting was arranged and was attended by Congressmen armed with knives and other weapons. The meeting passed off with only a few interruptions, but, after it was over, the Congressmen attacked the villagers, killing one man and wounding several before the police could quell the riot. Two Congress members of the Assembly were present. The party promptly issued their own version of the affair and attempted to make political capital of it. In due course judgment was pronounced in the Courts. Of the thirty-three Congressmen arrested, one was sentenced to transportation for life for murder and other offences, six were given various terms of imprisonment, and the rest were acquitted.

In the matter of labour unrest the less industrialised Punjab had less trouble than some of its neighbours. In May 1938 some 1,500 textile workers, incited, it was said, by Communists, struck for higher wages, but in two or three weeks an agreement was reached and most of the men returned to work. There was a short strike of scavengers at Multan in the summer of 1939, and another at Lahore in the spring of 1941.

More serious was the preaching of active sedition. Early in its life, in August 1937, the Government showed that in this matter too it meant to take a firm line. Two of the prisoners who had been released in another Province and who proposed to attend a Communist meeting in the Punjab were denied entry, and a Sikh agitator, who had made a name for himself in the Akali disturbances of 1924, was arrested, tried and imprisoned for sedition. The Congress Press made much of these 'high-handed' measures, and Pandit Jawaharlal Nehru, who was visiting the Province, took occasion to contrast the abject condition of the Punjab under a tyrannical Government with the freedom enjoyed in the Congress Provinces. Up to the war and during it Communist agitation persisted, and in the winter of 1940 a number of its leaders were arrested. But the movement continued to hold its ground among younger intellectuals and university students. It is organised on an all-India basis, and the German attack on Russia brought about the same change of front in the Punjab as in Bengal: many Communists, who had previously been anti-war, now declared themselves eager to fight on the same side as Russia; and when, in the summer of 1942, the Central Government raised the ban on the Communist Party, most of the Communists under detention in the Punjab as in other Provinces were released.

Another disorder from which most of the Provinces suffered in the pre-war period was the growth of militant partisan organisations. In the Punjab as elsewhere, the most formidable of these were the Kisans or peasant societies and the Khaksars, a militant Moslem body, of which more will be said later on. Another active body was the Punjab Congress Socialist Party, which went so far as to constitute a 'National Militia' to 'deal with hooligans of the Unionist Party'. The Sikhs likewise had their volunteer organisations, such as the 'Akali Fanj', which purported to perform social services to the Sikh community at religious fairs and festivals. An example of the trouble caused by these irresponsible bodies was the persistent agitation engineered by the Congress Socialist Party and the Kisans with regard to the payment of land-revenue and other agrarian questions. Again the Government was firm. Demonstrations in Lahore were broken up by the police and their ringleaders arrested; and, when the agitation still continued in the country districts, the local officers were instructed to deal with bodies of volunteers as unlawful assemblies. These measures proved effective, and the trouble finally subsided in the autumn after discussions between the Premier and the Kisan leaders.

But far the worst threat to the peace of the Punjab was communal strife. The Province, as has already been remarked, has always been notorious on this score, and the tension has steadily been growing in recent years. No student of society and politics can tour the country without becoming instantly aware of it. Except in the most advanced and enlightened circles—and even that exception may not be wholly valid—everybody seems to suffer more or less from communal self-consciousness. If anyone wished to conceal his faith as a matter of purely private interest, he could not do it. His name betrays him. It does not occur to the average Punjabi that, since he has to live side by side with members of other communities, he should moderate his communal loyalty. The idea of being non-communal or neutral in the ordinary affairs of life would seem to him unnatural and absurd. As a matter of course he prefers to shop with tradesmen of his own community and so forth; and nothing will induce him to believe that all his fellow Punjabis, however highly placed, do not feel and act as he does. Even the Courts are not above suspicion. Clients are shy of employing lawyers of a community other than their own. Judges are by no means regarded as unprejudiced. Young magistrates, fresh to their work, are dismayed to find that every decision they make as between members of different communities, even if the matter in dispute be utterly trivial, is at once denounced by the losing party as having been manifestly dictated by communal bias. When communal tension is acute in a country district, the local leaders still, as they always used to do, implore the Government to send them a British official: they may or may not trust their Indian magistrate's impartiality themselves, but they know what their fellow countryfolk will think. There is less blind prejudice, of course, in the educated class, especially among the younger generation; but even the Communist students tend to split into

Hindu and Moslem sections. It is not surprising to find young idealists asking if religion is a blessing or a curse. What is more surprising is the gross irresponsibility of the Press. With a few notable exceptions, newspaper editors, anxious, no doubt, to give their readers what they want, make a habit of describing every communal dispute in the most sensational and provocative language they can command.

In such an explosive atmosphere outbreaks of violence and bloodshed are inevitable, and not only for what might be regarded as the normal or regular reasons—religious festivals, processions, music outside mosques, cow-killing.<sup>1</sup> The most trifling incident leads to blows and may mean a death or many deaths. A barrel rolled by a Moslem accidentally hits a Hindu who gathers his friends to attack the Moslem and his friends. A Moslem has an altercation with a Sikh shopkeeper over the price of rice: the Sikh draws a knife and stabs him. A Hindu is said to have named his donkey 'Muhammad'. A Moslem kills him in broad daylight and gets away. The Hindus report the crime to the police, naming four leading but quite innocent Moslems as the murderers. They proceed to loot Moslem shops and to besiege the house of the local Moslem member of the legislature, shouting obscenities. To avenge these insults some six or eight Moslems in another corner of the town decide to kill the first Hindu they come across. This happens to be a harmless old temple-attendant. They set on him, beat the life out of him, and throw his body in a drain. At dusk the same evening a Hindu boy of four, playing in an alley, is seized by two Moslems, taken into a neighbouring house, throttled, and his body flung into the street.<sup>2</sup>

Under such conditions the communal problem is necessarily the major problem of law and order in the Punjab, and the new Government was soon required to deal with it.<sup>3</sup> At the end of a few months four outbreaks of fighting had occurred—three between Moslems and Sikhs, one between Moslems and Hindus. The Premier called a conference and appointed a committee to examine the causes of friction, but, though Sir Sikander's request for support in taking strong measures against deliberate communal incendiarism was backed by the Assembly, the Congress refused to take part in the conference and there was no softening of the strident communalism

<sup>1</sup> See Part I, 30.

<sup>2</sup> Another incident of the past may be cited, to illustrate not the triviality of the provocation—it was not trivial in this case—but the communalists' attitude to murder. A Hindu bookseller of Lahore printed in 1929 a book called *Rangila Rasul* ('The Luxurious Prophet') which reflected on Mahomet's morals. Several attempts were made to kill him, but were frustrated. A certain Ilam Din at last succeeded. He was caught, tried, convicted, and hanged. The justice of his sentence—he had confessed his guilt—was not disputed, but Moslem feeling ran high. His execution was arranged at a distant jail, but the body was brought back to the city and a huge procession accompanied it to the burial-ground. The murderer is still revered as a martyr, and pilgrims visit his tomb.

<sup>3</sup> The excitability of religious feeling at this period may be illustrated by the fact that the Central Government was reluctantly compelled to abandon, at a cost to the taxpayer estimated at some 50 lakhs (£875,000), a scheme for building a central *abattoir* near Lahore, because of the feverish agitation it aroused, which, though vested interests and anti-Government faction fanned the flames, was mainly inspired by Hindu repugnance to the slaughter of cattle.

of the newspapers. Early in 1938 there was another Moslem-Hindu riot; and meantime, in midwinter, an old quarrel as to the ownership of the Shahidganj mosque in Lahore had been wantonly resuscitated by a militant Moslem sect, known as the Ahrars. The Shahidganj mosque, though claimed by the Moslems and originally no doubt a mosque, had been in the possession of the Sikhs for about a century, and their possession had been confirmed by previous judicial decisions. In the summer of 1935 it was rumoured that the Sikhs were going to demolish it: indeed they did subsequently demolish a portion of it. This led to an agitation which for several months held the whole Province in suspense. There were grave disturbances in Lahore where the police and military had to open fire on several occasions. After tempers had cooled down, the Moslems decided to make one more attempt to obtain possession of the building through the Courts and filed a civil suit for possession. By the winter of 1937-8 this suit was nearing its final conclusion. An opportunity was thus afforded to revive the agitation. The Ahrars, who took the initiative, belong to the minority of Punjabi Moslems whose political sympathies lie with the Congress, and the agitation was thought to have been inspired and perhaps financed by Congressmen in order to embarrass the Government. However that may be, a kind of 'civil disobedience' movement was set on foot among the Ahrars, and, day by day, parties of 'volunteers', mostly ignorant fanatics, courted arrest by marching to the mosque in defiance of Government orders. By the end of January 1938, 200 of them had been arrested, and 158 were in jail. About the same time the Moslems' civil suit for possession of the mosque was decided by the High Court in favour of the Sikhs; but this only served to raise the temperature, and further 'volunteers' from the North-West Frontier Province, the United Provinces and Delhi were soon marching on Lahore. The number of arrests rose to over 1,000. To make matters worse, a Moslem League member of the legislature gave notice of a bill to apply Moslem law with retrospective effect to all buildings which had ever been mosques. Had it become law, it would have overridden the judgment of the Court and transferred the Shahidganj mosque and many other buildings now in Sikh or Hindu occupation to the Moslems. Nevertheless twenty-four Moslems of the Unionist Party were prepared to back the bill, and a grave political crisis, probably involving the Premier's resignation, was only averted by the intervention of the Governor, who, after discussion with Ministers, used the discretionary power vested in him with regard to the extinguishment or modification of rights in land<sup>1</sup> to refuse leave for the introduction of the bill. In some other Provinces this action by the Governor might have intensified the crisis by converting the issue into a conflict between the Governor and the Assembly; but in a frank and impressive speech on the dangers inherent in the bill the Premier declared that the Governor's decision, though taken at his discretion, was in accordance with Ministers' advice. He carried the House with him, and nineteen

<sup>1</sup> Act of 1935, S. 299 (3).

of the twenty-four rebels resumed their allegiance. The Council of the Moslem League approved the Premier's conduct, and a month later it held a special 'Shahidganj Session' of the League at Calcutta, which, showing the same moderation as the Congress had shown on the hunger-strike question, decided that 'civil disobedience' ought to be discountenanced and that every effort should be made to localise the quarrel. Thereafter the agitation rapidly subsided, the trickle of 'volunteers' petered out, and the tension was still further lowered by the grant to the Moslems of leave to appeal to the Privy Council against the High Court's decision. It is a tribute to the Punjabis' respect for the 'rule of law' and its machinery that there was no further trouble during the pending of the appeal and that when, a year later, judgment was given upholding the High Court, the agitation was not revived.<sup>1</sup>

But the subsidence of this particular disturbance did not mean that communal feeling in general was any less acute. In October 1938 an accusation levied against a Moslem woman of stealing cloth from a Hindu shop in Multan precipitated a serious riot. Two persons were killed, and eighty-six injured. Several buildings, including the local Congress office, were fired by the mob; and British troops had to be called in to restore order. In March 1939 two persons were killed and eighteen injured in a riot at Anritsar arising from a Muharram procession traversing the Hindu quarter of the city. British troops were again called in.

In the following summer the peace of the Punjab and other Provinces too was threatened by another large-scale communal disturbance. The so-called Khaksar movement had been started in 1931 by Inayatullah Khan Mashriqi, an ex-member of the Educational Service in the North-West Frontier Province, who had resigned his post and set himself to organise a brotherhood of Moslems dedicated to social service and ultimately and somewhat vaguely to the attainment of *Swaraj*. The movement spread slowly and sporadically from its headquarters at Lahore over several other Provinces, and in the pre-war period it assumed the quasi-military character which, as has been seen, was becoming fashionable at that time. The Khaksars drilled and marched in khaki, and, like some contemporary Nazi formations, they carried spades—a nasty weapon at close quarters. The organisation was financed by Moslem sympathisers and from Inayatullah's own substantial means. At the beginning of 1939 their strength was estimated at about 7,500. So far they had not threatened to disturb the peace, but in August 1939 a little 'army' of them invaded the United Provinces in order to intervene in the protracted dispute at Lucknow between the Sunni and Shia branches of the Moslem community. They succeeded in keeping up their agitation in defiance of the United Provinces Provincial Government until the Congress Ministers resigned in November;

<sup>1</sup> In January 1940 a young Moslem, disguised as a Hindu, obtained entry to the shrine and wounded three of its Sikh guardians.



but, when the Governor took over the administration, they quickly came to terms and withdrew.<sup>1</sup>

Their numbers, meantime, had been growing up to 17,000 or more, and groups were now scattered widely over British India—in every Province except Madras, Orissa and Assam—and even in some of the States. And Inayatullah's mind had taken a Napoleonic turn. He was said to be dreaming of mastering all India and Burma and dividing them up into fourteen satrapies under his appointed rulers. In the Punjab the parades and military evolutions of his followers began to arouse serious alarm amongst members of other communities. The Government, fearing that if the Khaksars continued their martial exercises, rival private armies would also be started, tried to persuade them to confine themselves to social service. But these efforts were unsuccessful, and so on February 28, 1940, they boldly passed an order forbidding drilling in military formation. On March 19 this order was deliberately defied by a large body of Khaksars in Lahore who had been reinforced by bands from the North-West Frontier Province. There followed a sanguinary clash between them and the police, in which casualties on both sides were heavy. The Punjab Government took prompt and vigorous action. Inayatullah, who was in Delhi at the time, was arrested, and the Khaksars were declared an unlawful association throughout the Province. There was then a period of hesitation. It was not till August that the Central Government took the action to be recorded presently, and meantime the whole onus of dealing with the Khaksars was left with the predominantly Moslem Government of the Punjab, which was now confronted with considerable difficulties. The bulk of the Moslem community had at first looked coldly on the Khaksars; they had resented their leader's grandiose pretensions and their defiance of the Moslem Premier and his colleagues; but they became more sympathetic as the Hindu newspapers became more abusive of the Khaksars and bestowed unusual praise on the Government's repressive policy. Meanwhile a number of Khaksars had established themselves in mosques at Lahore and elsewhere. To deal with them without bloodshed was a difficult business, but, after several uneasy weeks, the Government again decided to take vigorous action. On June 11 a strong force of police, with troops in reserve, attacked the mosques occupied by Khaksars and with the aid of tear-gas drove the intruders out of nine. The tenth was cleared on the 22nd. It was a quick and clean affair. Only one Khaksar was killed and only fourteen injured; 276 were arrested. At the same time 500 extra police were quartered in the old city of Lahore at the cost of the Moslem inhabitants and of those non-Moslems who were known to have supported the agitation. In the course of July the Government issued two orders under the Defence of India Rules. The second and more stringent prohibited—in the larger towns of the Province for a period of six months—all processions except for marriages and funerals and for such other purposes as might be officially permitted.

<sup>1</sup> See p. 181 below.

In August the Ministers' hands were further strengthened by action at the Centre.<sup>1</sup> It had been decided that 'private armies', dangerous enough in peace-time, were intolerable in war-time. As the Central Government's *communiqué* pointed out, it was impossible to suppose that the great majority of the 'volunteer' bodies existed for any legitimate or peaceful purpose: they were evidently intended either for communal conflict or as a means of supplanting the existing administration. Orders, accordingly, were issued under the Defence of India Rules, forbidding in all British India any activities of a military kind, with or without arms, and banning the public use of anything resembling a military or police uniform. Certain bodies, such as the Boy Scouts, were exempted, and Provincial Governments were empowered to exempt other organisations. The Congress Working Committee, meeting at Wardha, protested against the application of this order to Congress 'volunteers' whose lawful and peaceful work, they said, must be continued.<sup>2</sup> But certainly in the Punjab and probably elsewhere public opinion in general was relieved at the suppression of this alarming feature of recent Indian politics.

During the next few months the Punjab Government attempted to reach a final settlement of the Khaksar trouble. In September the ban on the organisation was withdrawn, and in October, on assurance of good conduct, over 600 Khaksar prisoners whose offences had not been aggravated by violence were released. Yet the movement refused to fade out. Early in 1941 it flared up again. The immediate release of Inayatullah was demanded. Khaksars donned their uniforms again and drilled. A training camp was organised. March 19, the date of the clash in 1940, was celebrated as 'Martyrs' Day' and May 2 as 'Inayatullah's Day'. Finally a plot was hatched to assemble at various mosques, both in the Punjab and in other Provinces, and organise marches and processions in defiance of the authorities. Official warnings to the leaders went unheeded, and on June 5 the Central Government, using its new emergency powers under the amending Act of 1939,<sup>3</sup> directed all Provincial Governments to declare the Khaksars once more to be an 'unlawful association',<sup>4</sup> to arrest their leaders, and to prevent the execution of the proposed campaign. These instructions were efficiently obeyed. Except in the Central Provinces, there was virtually no trouble. In the Punjab it seemed as if the movement had at last received its quietus. But there were signs of revival in October when Inayatullah, taking a leaf from Mr. Gandhi's book, began a 'penitential fast' in prison. There were minor demonstrations and disturbances in a number of places. But the revival lacked leadership and drive, and in January 1942, Inayatullah, now confined in Madras, broke his fast and issued a statement ordering his followers.

<sup>1</sup> For the extension of the Central Government's authority in the Provinces after the outbreak of war, see p. 209 below.

<sup>2</sup> *Indian Annual Register*, 1940, ii, 198.

<sup>3</sup> See p. 209 below.

<sup>4</sup> Under Section 16 of the Criminal Law Amendment Act of 1908.

to abandon their uniforms and spades and military activities for the duration of the war. He was subsequently released, but required to remain within the Madras provincial boundaries. The ban on the organisation was kept in force.

Fortunately this long and dangerous episode had not provoked any general increase of communal disorder. Indeed, in the first year or two of the war there was less fighting and bloodshed than in the last few years of peace. That does not mean that communal hostility had softened. It was bitter enough, for instance, in March 1941, when Mr. Jinnah was in the Province preaching Pakistan and the Hindus and the Sikhs were holding conferences to denounce it. Yet there was only a brief and minor outbreak at Amritsar in that month; one man was killed and fifteen injured. In April the worst incident was the shooting of a Moslem by a Hindu for killing a calf. In May, however, there was more serious trouble. A quarrel in a school in the Hissar district between some Hindu pupils and the Moslem headmaster led to a general clash in which nine Moslems and two Hindus were killed and twenty-six Moslems and fifteen Hindus injured. Shortly after this, two 'unity' campaigns were set on foot in Lahore. One was organised by the young left-wing President of the Provincial Congress Committee at Mr. Gandhi's bidding. The Premier was reported to have warmly blessed it, and its committee included the leaders of the Moslem League, the Mahasabha and the Akali Sikhs. The other campaign was undertaken by a rival group of Congressmen. But little came of them. There was no genuine subordination of party sentiment to the common need, no real improvement in the atmosphere.

It may be said, in conclusion, that in the Punjab, as in Bengal, the Government has unquestionably proved its capacity to maintain law and order in a Province in which the task is particularly difficult. It could be argued that its handling of the communal question has not been as firm on the whole as that of the previous administration. But the old Executive Council was in effect a neutral body, and in the new popular Ministry all three communities are represented. If Ministers have leaned at times to compromise, that in itself is no bad thing: it is what communalism anywhere in India desperately needs; and they certainly cannot be charged with persistent or excessive weakness. They have not hesitated to use their powers and to call in the police and the troops at need. They have fully supported district officers in their efforts to control disorder in the country at large. They did not throw away the instruments of repression with which the existing law entrusted them. In the case of the Shahidganj agitation they freely employed the Press Act to deter the more violent newspapers from adding fuel to the flames of communal passion. But for all this they got small credit from the politicians and journalists of the Opposition. Sir Sikander's repeated appeals to the Press were consistently ignored. If the stand he took on the Shahidganj dispute and the speech he made to the Assembly made a marked impression on public opinion; it

was mainly Moslem opinion; and if Congress writers did not quarrel with his handling of communal disturbances—they applauded his firm treatment of the Khaksars—they persistently attacked his policy on other questions of law and order, especially his refusal to tolerate subversive agitation on the extreme Left. In such matters, they said, the new *régime* was as bad as the old or worse.

### III. SOCIAL POLICY

The agrarian question is the dominant question in every part of India, but even more dominant in the Punjab than in the other major Provinces since its urban population is relatively smaller and its industrial development less advanced. Naturally, therefore, the Government's legislative programme was first and last agrarian. By 1942 it had carried the following measures among others. (1) Three Acts to amend that sheet anchor of the Punjab agriculturalist, the Punjab Alienation of Land Act 1900. The main purpose of the original Act was to restrict the sale or mortgage of agricultural land to urban non-agriculturalists. The amending Acts placed further restrictions on the transfer of such land to moneylenders and mortgagees and on the use to which the land could be put by a mortgagee; they also annulled alienations whenever made with restoration of possession to the alienor, if in contravention of the provisions of the original Act.<sup>1</sup> (2) The Restitution of Mortgaged Lands Act, providing for the liquidation on easy terms of all mortgages executed before 1901 (i.e. before the imposition by the Act of 1900 of a statutory limit of twenty years on agricultural mortgages).<sup>2</sup> (3) The Agricultural Markets Products Act,<sup>3</sup> mainly intended to prevent malpractices in the markets whereby the ignorant cultivator had been defrauded of his just dues. (4) The Registration of Moneylenders Act, denying to a moneylender the assistance of the courts in obtaining the repayment of a loan unless he holds, or has applied for, a licence.<sup>4</sup> (5) The Relief of Indebtedness Act, which, like similar legislation in Bengal and other Provinces, limited the rate of interest, prohibited the imprisonment of debtors, and restricted creditors' powers of seizing property in execution of debt.<sup>5</sup> Since most of the moneylenders and most of the Congress members of the legislature belong to the same *bania* class, these 'black bills' were violently attacked in the Assembly and in the Congress newspapers, and an association of non-agriculturalists was formed to whip up agitation against them in the towns. But, fierce as it was for a time, the opposition ultimately petered out, mainly because the measures were in harmony with the policy officially adopted by the Congress for all British India and now being carried out in the Congress Provinces. The 'high command', accordingly, overrode the Provincial Congress Committee and did its best to damp the agitation.

<sup>1</sup> V and X of 1938 and VIII of 1940. Two of these bills were reserved by the Governor for the Governor-General's consideration on points of law. One was approved, the other returned to the legislature with amendments which it accepted.

<sup>2</sup> IV of 1938.

<sup>3</sup> V of 1939.

<sup>4</sup> III of 1938.

<sup>5</sup> XII of 1940. Reserved for Governor-General's assent which was given.

down. As to the popularity of the measures in the rural areas there was no doubt at all. Ministers, touring the country, were greeted by jubilant and cheering crowds.

At the end of 1940 the quarrel was renewed on the issue of taxation. The Government proposed and eventually carried three measures: (1) a tax on urban immovable property, (2) a bill restricting urban rents in order to prevent landlords passing the burden of the tax on to their tenants, and (3) a general sales tax.<sup>1</sup> All these measures, particularly the last, were strenuously resisted, and this time the local Congressmen were backed by the 'high command'. On its orders they withdrew from the Assembly, and with its help agitation was widely and effectively organised, outside. There was a local *hartal* or shop-closing strike at Amritsar in December 1940 and a more general one in May 1941. Ministers showed a willingness to compromise, and in view of their assurances the traders' association called the *hartal* off. But it was resumed in January 1942 and stubbornly maintained for several weeks. The main demand was for the raising of the limit of exemption from the sales tax from a turnover of 5,000 rupees to one of 20,000. Again the Government was conciliatory. It passed an amending Act, fixing the limit at 10,000 rupees and meeting the traders' claims on other points. But the *hartal* still persisted, encouraged, it was clear, by political agitators, till the poorer classes of the population in Lahore and elsewhere were beginning to find it difficult to buy the necessities of life. There were unruly scenes in the streets of Lahore. Processions were broken up by the police, and six Congress members of the Assembly were arrested. The tension had become acute when on February 26 the *hartal* was at last called off.

The strikers' case was not a strong one. The taxes were neither unjust in principle nor excessive in amount. Similar taxation had been levied by the Congress Ministries in Madras and other Provinces. The strength of the agitation was due, in fact, not so much to these taxes as to a long pent-up resentment against an administration whose whole course seemed biased in favour of the countryfolk and against the townsmen. And this resentment had certainly been deepened by the denunciations of the propertied classes in which Sir Chotu Ram, the passionate champion of the rural underdog and the most dynamic personality in the Government, occasionally indulged. That in itself, however, may have helped to prevent the quarrel becoming primarily a communal quarrel: most of the traders might be Hindus, but Sir Chotu was fighting for Hindu agriculturalists as much as Moslem.

There were other Government measures in aid of the countryfolk which could not be represented as injurious to urban interests. Tenancy legislation, such as was carried in Bengal and most of the other Provinces in this period, was not an urgent need in the Punjab—only one minor Act was passed<sup>2</sup>—but the Village Panchayat Act<sup>3</sup> began the process of

<sup>1</sup> XVII of 1940, IV and X of 1941.

<sup>2</sup> IX of 1939.

<sup>3</sup> XI of 1939.

strengthening local self-government, so much needed everywhere in India, by increasing the simple social services under the *panchayat's* (village council's) control and extending its judicial powers; and the State Aid to Industries Act<sup>1</sup> provided public money for the maintenance of cottage and village crafts. The Government pledged itself, moreover, to a 'five-year plan' of rural development costing 10 lakhs (£75,000) a year. Nor was urban welfare wholly neglected. The Trade Employees Act<sup>2</sup> prohibited the employment of children under 14 unless they were genuine apprentices, and imposed early closing, holidays with pay, and so on. Lastly, for the benefit of the whole community, the Government succeeded, after some years' discussion arising mainly from communal suspicions and intransigence, in carrying at last at the end of 1940 a Primary Education Act<sup>3</sup> the main purport of which was to enable any local authority to make primary education compulsory for boys between 6 and 12 and girls between 6 and 11 in the whole or part of the area under its jurisdiction.

As to educational administration a steady process of consolidating and expanding the existing schools was reported in these years. The percentage ratio of boys and girls at school to the total population of the Province in 1937 was 5·5—in the whole of British India it was 5·4—but by 1939-40 it had risen to 5·9.<sup>4</sup> An encouraging feature of this increase was that the girls had a substantial share in it: their school attendance rose by upwards of 9,000 each year; but here, as everywhere else in India, much headway must still be made before the expansion of girls' schooling equals that of boys'. In the summer of 1938 a campaign against adult illiteracy, similar to those in the Congress Provinces to be described in Chapter XIII, was launched by the Education Minister, Mr. Abdul Haye, and a five-year programme was adopted for the progressive elimination of illiteracy throughout the Province at an annual cost of 22,800 rupees (£1,710).<sup>5</sup>

The expenditure on the Punjab social services as a whole was 24 per cent. higher in 1939-40 than in 1936-7.

As to Prohibition, Government was even more cautious in the Punjab than in Bengal. It did not repudiate it on principle, but the Revenue Minister pointed out, early in 1938, that the application of Prohibition to the whole Province would mean an annual loss of 116 lakhs (£870,000). The Government, he added, was thinking of making an experiment in one district. Nothing more has been heard of it.

<sup>1</sup> III of 1940.

<sup>2</sup> X of 1940.

<sup>3</sup> XVIII of 1940. The application of compulsion under the previous Act was officially admitted in 1938 to have been a failure: *Report on the Progress of Education in the Punjab, 1937-8*, p. 8.

<sup>4</sup> These and similar subsequent figures must be slightly scaled down since they are based on the 1931 census and make no allowance for the increase of population in the last decade. The percentage of school-age (6-11) population to total population is usually reckoned as 12.

<sup>5</sup> *Annual Reports on the Progress of Education in the Punjab from 1937-8 to 1940-1.*

## CHAPTER VI

### THE NON-CONGRESS GOVERNMENTS: III. ASSAM

It was not to be expected that the other two non-Congress Provinces would make as much of the new constitution as Bengal or the Punjab. Assam and Sind are backward Provinces. Their populations are relatively small, about 10 millions and 4½ millions respectively. There is little urban or industrial development. The revenue of Assam in the last quinquennium of the old *régime* averaged only about £1,605,000 a year; and it was doubtful, as has been seen, whether the financial resources of Sind were sufficient to justify its detachment as a separate Province from Bombay.<sup>1</sup> In both Provinces, therefore, the number of the educated and politically-minded people needed to take the lead in democratic politics, to man the legislature and the Ministry, is small; and neither Province possesses the material resources to finance a substantial programme of social betterment. Account must be taken of those basic weaknesses in judging the record of Assam and Sind under the new Act.

#### I. THE GOVERNMENT

In three respects the result of the elections in Assam was similar to the result in neighbouring Bengal. There was a multiplicity of parties, no less than fourteen; the Congress won most seats, but much less than a majority; and the Moslems were divided under several party labels. Of the 108 seats in the Assembly 85 went to Congressmen (one of whom was a Moslem), 84 to Moslem parties (14 Independent Moslems, 9 Moslem League, 5 Assam Valley Moslems, 5 Sunna Valley Moslems, 1 Proja Party), 10 to the Independent Hindus, 4 to Labour, 8 to the United People's Party, 2 to the Indian Planters, 1 to the Indian Christians, 1 to the Independent Women, and 9 to the Europeans. Of the 21 members of the Council or upper house 10 were Moderates (Hindu), 6 Independent Moslems, 2 Europeans, and 3 nominated members.

An eminent Moslem lawyer, Sir Syed Muhammad Saadulla, was invited to form a Government, and, having chosen two Moslems, one Indian Christian and one non-Congress Hindu (Mr. R. Chaudhury) as his colleagues, he succeeded in obtaining sufficient co-operation among the rival Moslem groups to provide him, together with the Europeans and a few Independents, with a majority in the Assembly. But it was a small and precarious majority, and, though the Congress opposition suffered from a lack of leadership, the Government's position was far from safe. When it was decided in July 1937 that Congressmen might take office, the possibility of a Congress-Moslem coalition was canvassed; but that method of obtaining a more stable Government was soon ruled out, as in other Provinces, by the Work-

<sup>1</sup> See Part I, 119, 127.

ing Committee's instructions. A coalition in Assam might, indeed, be permitted, it was said, but only if it pledged itself to the full-scale Congress electoral programme. So the Government struggled on alone, and at the end of the year it was defeated on a minor question in the Assembly and threatened with the possibility of a direct vote of no-confidence being carried against it. It was difficult for the Premier to strengthen his Cabinet, since its chief weakness was the incompetence of the two Moslem Ministers both in administration and in debate; and, since it was mainly personal and sectional issues that counted in the legislature, to replace the two Ministers with better men was to lose the votes of the former's supporters. From this dilemma the Premier escaped by an ingenious device. He reconstructed his Government with two new Moslems but also with a new Minister to represent the Scheduled Castes who brought with him five certain votes. The case for this appointment on administrative grounds was so weak that it could scarcely have been made if the new Minister had not agreed to accept half the normal salary and if this half had not been contributed by the other five Ministers so as to avoid any extra call on public funds. By these means the Government just succeeded in prolonging its life till the end of the session in March 1938. A motion of no-confidence, instigated by the two ex-Ministers, was defeated by one vote. But the Government gained no strength in the recess, and, when the Assembly met again in September, four motions of no-confidence were tabled, and rather than fight them Sir Muhammad Saadulla resigned.

The Governor (Sir Robert Reid) invited the Congress leader, Mr. Gopinath Bardoloi, to form a Government. Since all Congress Ministers were required to accept a uniform low-level salary of 500 rupees a month (£450 a year),<sup>1</sup> Mr. Bardoloi was able to adopt and improve upon his predecessor's stratagem. He proposed to form a Cabinet of eight, and submitted to the Governor the names of four Hindus, one of whom was the same representative of the Scheduled Castes who had served in the former Cabinet. Meantime the Moslem groups whose disunion and dissidence had been mainly responsible for Sir Muhammad's fall had repented of their handiwork and formed at last a solid Moslem block, the Assam United Party, which with the support of the European Group could command 56 out of the 107 votes in the Assembly.<sup>2</sup> Thus the new Government, it seemed, would have to face a hostile majority; nor was its personnel complete, since Mr. Bardoloi was finding it difficult to fill the three posts he had reserved for Moslems. To gain time he persuaded the Speaker, a Congressman, to adjourn the Assembly *sine die* (September 19). The Governor, thereupon, refused to have the oath of office administered to Mr. Bardoloi and his four colleagues until he had obtained from the Speaker an assurance that the session would be resumed, and the Government's position thereby tested, not later than October 20. Mr. Bardoloi, however, demanded that the adjournment should

<sup>1</sup> With house and car allowance.

<sup>2</sup> Of the 108 seats, one was occupied by the Speaker.



last till the New Year, and the Speaker, having issued a lengthy but not very convincing statement of his reasons, withdrew his previous assurance and announced that the House would meet on December 1. It was difficult for the Governor to renew his request for an earlier meeting, since it was only by refraining from summoning the legislature that the interim Governments had been kept in office in the Congress Provinces; and he may well have felt that the fact that the presumptive hostile majority depended on the adherence of the European group was another good reason for not pressing the issue.

Thus Mr. Bardoloi obtained a breathing space, and he used it well. By the end of October he had secured his three Moslem Ministers—one of them was the Moslem Congress member of the Assembly, another was one of the two Ministers discarded by the previous Premier, and the third was a deserter from the Assam United Party—and in the subsequent weeks he did all he could to win over waverers in the Assembly to his side. When it met on December 1, the inevitable motion of no-confidence was defeated by four votes. Thenceforward till the crisis caused by the outbreak of war in the following September the Government, though scarcely more stable than its predecessor, remained in being, and, since its chief was a Congressman and acted like the other Congress Premiers under the instructions of the 'high command', it could be reckoned for nearly a year as one of the Congress Governments. But, unlike the others, it was a coalition, and one in which only two of the eight members were Congressmen. Naturally, therefore, the reluctance of the Government to resign in obedience to the orders of the Congress 'high command' in October 1939<sup>1</sup> was more marked in Assam than in the 'pure' Congress Provinces. For the same reason it was possible in Assam, as it was not possible in those other Provinces, for the Governor to obtain an alternative Government. When Mr. Bardoloi resigned, Sir Muhammad Saadulla resumed the Premiership.

The Government he formed was not a strong one. Some of his nine colleagues<sup>2</sup> were men of small ability and repute, and his narrow majority in the Assembly was in constant danger from the pressure, not always of a respectable kind, brought to bear on some of his less reliable supporters. To some extent his position was eased by the withdrawal of Congressmen from the legislature on orders from above and by the imprisonment of some of them in 1941 for participation in the *satyagraha* campaign.<sup>3</sup> With short sessions and little legislation he was able to carry on for two years, but all the time intrigue was rife, nor could the Province, remote as it was, escape the disruptive currents of all-India politics. As in the Punjab, the Moslem Premier's resignation of his seat on the Defence Council in the summer of 1941<sup>4</sup> on Mr. Jinnah's peremptory orders meant a certain loss of prestige. In the autumn it was believed that Mr. Bardoloi had obtained

<sup>1</sup> See p. 218 below.

<sup>2</sup> One of the Ministers was Miss Mavis Dunn, the second woman to hold office in a Provincial Government; see p. 112, note 2 below.

<sup>3</sup> See pp. 248-9 below.

<sup>4</sup> See p. 253 below.

his 'high command's' permission to take a hand again in the parliamentary game. In November Mr. Savarkar, President of the Hindu Mahasabha<sup>1</sup> and opposed on principle to any Ministry headed by a member of the Moslem League, visited the Province. At the beginning of December, undeterred by the outbreak of war with Japan and the fact that Assam lay nearest to the enemy, the conspirators brought off their *coup*. At the meeting of the Assembly on December 9 Mr. Chaudhury, who was Education Minister in Sir Muhammad Saadulla's second Ministry as in his first, announced his resignation and the formation of a new party which would support him if he became Premier. A few days later Sir Muhammad, with his remaining colleagues, resigned. On his advice the Governor sent for Mr. Bardoloi, who refused office, but said his party would support Mr. Chaudhury, though it could not co-operate in the war-effort or vote for expenditure thereon. Mr. Chaudhury was then interviewed, and claimed that he could keep a Ministry in power by relying on the Opposition's help to carry those war measures which his Congress supporters could not accept. Not unnaturally he could give no proof that this curious plan would work. Sir Muhammad having declined to attempt to form another Government, the Governor took over the administration of the Province under Section 98 of the Act of 1935.<sup>2</sup> He explained in his official statement that he could accept no Ministry which would not take its full part in the prosecution of the war.

Thus the number of Provinces under responsible government, which had been increased to five in the previous month,<sup>3</sup> was reduced again to four. The Congress had won a victory, a more decisive victory than in Bengal. In both Provinces the Moslem League had been defeated, but in Bengal it had not been the work of the orthodox Congress group, nor had responsible government been killed. But it proved a short-lived success. Assam is a frontier Province, and the triumphs of the Japanese in the south in the winter of 1941-2 and their steady northward advance in the spring seemed to have a steadying effect on political ambitions and discussions at Shillong. Negotiations were set on foot for the restoration of ministerial government, and in July it was calculated that Sir Muhammad Saadulla's party could count on 58 votes which, together with the 9 votes of the European party, would give him at least as good a prospect of keeping office in a house of 107 (not counting the Speaker) as any Ministry in Assam had yet enjoyed. On August 25 the Governor (now Sir Andrew Clow), having obtained an explicit assurance of wholehearted co-operation in the war-effort, revoked the Section 98 proclamation and Sir Muhammad Saadulla was once again invited to form a Ministry.

## II. THE POLITICAL RECORD

The Government was gravely handicapped from the outset by lack of revenue—each year's budget showed a deficit<sup>4</sup>—and a constructive social

<sup>1</sup> See p. 198 below. <sup>2</sup> See p. 284 below. <sup>3</sup> See p. 78 below. <sup>4</sup> See table facing p. 158 below.

policy was on that account alone impracticable. Large-scale measures of agrarian reform such as were carried in other Provinces were obviously out of the question; and it was only under pressure in the Assembly, vigorously led by the Congress members, that Sir Muhammad Saadulla, who for most of his periods of office was his own Finance Minister, agreed to relieve the poorest class of agriculturalists by reducing their land-dues by one-third. Nor could Mr. Bardoloi's Government do much more. The reduction of land-dues was increased in some cases to one-half. Ministers' salaries were lowered. The few 'political prisoners' in the Province were released. But the Congress electoral programme, a good deal of which, as will be seen, was implemented by the 'pure' Congress Governments elsewhere, remained virtually a dead letter in Assam. Even the proposal to introduce Prohibition in one district was left on the shelf for the simple reason that it would cost too much. One or two small and inexpensive measures were carried—an Act to equalise the rating system, an Act to protect the property of wards from their creditors, an Act to enable women to be elected on municipal committees, and an Act to allow well-behaved convicts to be released on probation.<sup>1</sup> In the course of the second Saadulla Ministry further protection was given to poorer agriculturalists in debt by an Act postponing for two years, and possibly three, the execution of money decrees, the foreclosure of mortgages, and the seizure of certain kinds of property.<sup>2</sup> Another useful Act provided for the construction and control of embankments and the improvement of drainage.<sup>3</sup> Taken all together, however, Assam's legislative record could not compare with that of other Provinces, even if allowance be made for its relative poverty. Out of 38 Acts passed between 1937 and 1941, 11 were concerned with the salaries or allowances of Ministers or members of the legislature.

In administration also Assam would have fallen behind if the civil services had failed to bear the strain imposed on them by the mediocrity of most of their ministerial chiefs. Nor was the administrative field exempt from party politics. Two measures in particular were forced on the first Saadulla Government by the pressure of the Congress Party in the Assembly. The need for financial retrenchment was self-evident, especially in view of the loss of revenue occasioned by the lowering of the land-dues; and the Congressmen, who had been responsible for that concession, proposed as a partial offset that the C.I.D. (Criminal Investigation Department) and the two Divisional Commissionerships in the Province should be abolished. But these proposals were not inspired by economy only. The C.I.D., and its political branch in particular, had been concerned in the detection, arrest and punishment of Congressmen who had taken part in the 'civil disobedience' campaign, while the Commissionerships are reserved for members of the I.C.S., one of the 'Secretary of State's Services' whose retention under the Act of 1935 was one of the Congress' chief objections to it. On both issues the Saadulla Government was induced by fear of

<sup>1</sup> I, VII and VIII of 1937 and II of 1938.

<sup>2</sup> I of 1941.

<sup>3</sup> VII of 1941.

defeat in the Assembly to come to terms with the Opposition. It acquiesced in a reduction of the budget estimate for the C.I.D. which necessitated the discharge of about two-thirds of the whole intelligence staff. This was a serious blow to the efficiency of the forces of law and order in the Province, and its effect was felt in 1939 when, as will presently be recorded, there was an alarming outbreak of labour trouble. In 1940, accordingly, Sir Muhammad Saadulla being again in power, the re-establishment of the intelligence staff of the C.I.D. was imposed, with the Premier's assent, by the use of the Governor-General's discretionary authority.<sup>1</sup>

The Commissionerships were another matter. The retention of these highly-paid posts, intermediate between the Provincial Secretariats and the District Officers, had long been a controversial question in all Provinces except Madras which has never had Commissioners, and a case could be made for their abolition on purely administrative and financial grounds; but since, as has just been observed, the posts were reserved for members of the I.C.S., they could only be abolished with the authority of the Secretary of State.<sup>2</sup> The Congress members attempted, therefore, to bring about their abolition indirectly. They moved—and again the Government acquiesced—that the salaries of the Commissioners' staffs should be cut out of the budget. Since clearly the Commissioners could not perform their duties with no staff, the Governor was obliged, in view of his 'special responsibility' for the Secretary of State's Services, to 'authenticate' a supplementary grant for the staffs' salaries for 1937-8 and similarly to 'authenticate' that item in the budget for 1938-9.<sup>3</sup> The Congressmen registered a protest against this procedure by 'walking out' on the first occasion on which the 'authenticated' grant was formally presented and passed. In the event the Premier proposed, by way of compromise, the abolition of one Commissionership. This proposal was submitted to the Central Government and on its recommendation accepted by the Secretary of State.

Financial and political motives were similarly combined in the hostile attitude of the Congress to the upper house. Congressmen declared that a single chamber was all the Province needed or could afford, but the fact could not be overlooked that, while the Congress had obtained more seats than any other single party in the Assembly, it had none at all in the Council. In these circumstances a conflict between the two chambers was inevitable, and it began early in the first session when the Council voted a steep reduction in the amount fixed by the Assembly for the payment of its members; but the Assembly stood its ground and the Council gave in. A year later, after the Bardoloi Government had taken office, the Council again challenged the Assembly by throwing out the Agricultural Income Tax Bill by 11 votes to 9, though no one questioned the Government's dire need of any extra revenue it could obtain. Again the Assembly stood firm, but so, this time, did the Council, and the deadlock

<sup>1</sup> Under S. 126 (5) of the Act of 1935.    <sup>2</sup> Act of 1935, S. 246.    <sup>3</sup> Act of 1935, S. 80.

was only resolved by a joint session of the two houses in which the bill was carried by 65 votes to 56. The fact that the Assembly had got its way on both occasions did little to soften its antagonism; but in any case the abolition of the Council was not 'practical politics'. The Act of 1935 provided, indeed; that a Provincial legislature might submit a recommendation for the amendment of the Provincial constitution on this very question of the number of chambers, but only after ten years had elapsed from the date when the constitution came into force.<sup>1</sup>

### III. LAW AND ORDER

For two reasons the maintenance of law and order in Assam is an easier task than in almost any other Province. The first is the result of its geographical position. Tucked away in the north-east corner of India, Assam escaped the full tide of the nationalist movement from 1920 onwards. Political agitation was never very militant or tumultuous. 'Civil disobedience' was not practised widely enough to undermine the traditional authority of government. Secondly, Assam is less troubled by religious strife than any other northern Province. Communal riots are relatively rare. Broadly speaking, it is not so much politics or religion that threatens to disturb the peace as labour trouble. Though Assam is not highly industrialised, several important companies, most but not all of which are under British management, are engaged in working the Digboi oil-field, in growing tea, and in running the railways.

When the new constitution came into force, discontent with wages and other conditions of labour had been increasing for some time, but it did not come to a head till the summer of 1938, when the first Saadulla Government was about to fall. In August a strike was called by the Labour Union at the refineries of the Assam Oil Company at Digboi. It was settled in October largely through the intervention of the new Congress Premier. Another strike broke out on the Dibru-Sadiya railway in December, and an attempt was made to prevent passengers using it. Again the Premier intervened and secured a settlement. In the following April there was more trouble at Digboi, and this time on a much more serious scale. Some 10,000 of the Company's employees went on strike. There was widespread agitation, also, among the workers on the tea-gardens. In both cases the attitude of the malcontents was embittered by appeals to anti-British sentiment. Tradesmen and domestics were intimidated from serving British households. At Digboi the situation seemed at one time so dangerous that a number of British women and children, and the wives and families also of some Indians on the Company's staff, were evacuated. As a measure of protection, some 300 men of the Assam Rifles were brought in, and on one occasion a detachment of them was surrounded and stoned by a mob. They opened fire, killing three persons.

In these alarming and persistent disturbances—the Digboi strike was not finally settled till after the outbreak of war—the Congress played a double and contradictory part. On the one hand the dispute was exacerbated and anti-British feeling stimulated by left-wing Congressmen, including members of the Assembly, who, it was thought, were largely influenced by resentment at the attempt of the European members in alliance with the Moslem groups to prevent a Congress Government. On the other hand, the more moderate Congressmen, though their sympathies were evidently more on the strikers' side than the employers', seem to have done their best to bring about a settlement or at least to discourage disorder. Mr. Bardoloi fully accepted the report of the inquiry committee, which examined and approved the conduct of the civil and military authorities at the crisis of the strike. He refused to withdraw the troops from the Digboi district when strongly pressed to do so by a group of his supporters. The terms of settlement he himself proposed, while they prohibited the Company from engaging 'blackleg' labour, prohibited the strikers also from meeting, picketing or organising disturbance.<sup>1</sup> And, when his efforts to make peace had failed, he declared that his Government would be strictly neutral. The Congress 'high command', which intervened in the dispute in June, was less impartial, at any rate in what it said. The All-India Congress Committee, meeting at Bombay, adopted a resolution calling on the Company to submit to the decision of a conciliation board appointed by the Government and recommending the Government to make the reference of disputes to such conciliation boards obligatory by law and to threaten in the last resort to refuse to renew the Company's lease of the oil-field at its termination.<sup>2</sup> The resolution also affirmed the principle that key-industries, of which oil was one, should be owned and controlled by the State. This somewhat militant language was scarcely balanced by a brief appeal to the Labour Union to accept the Committee's advice if it wished to retain the sympathy of the Congress and the public. But deeds are more important than words, and it was observed that the main result of the visit which Dr. Rajendra Prasad paid to the Province before the Committee met was to discredit the most powerful and aggressive of the strikers' leaders, who bitterly complained of Dr. Prasad's lack of sympathy. The 'high command', in fact, though clearly favouring the strikers' case, was no less clearly opposed to 'direct action' as a normal means of settling industrial disputes.

Thenceforward there was little disturbance of the peace. Labour settled down. There was not another strike till the spring of 1941, when there was a short and rather truculent one on a single tea-garden: it was settled by the full concession of the workers' claims. Nor was there any violent political agitation or communal disorder. The only incident

<sup>1</sup> In this connexion the conduct of the Finance Minister (the Moslem Congressman) was sharply criticised. He went to Digboi to try to carry out the Government's proposals and instructed the Deputy Commissioner to prevent the Company from engaging 'black-legs', but did nothing to restrain the strikers' agitation.

<sup>2</sup> *Indian Annual Register*, 1939, i, 857.

worth mention was a rowdy performance by some students at Gauhati College early in December 1941. Affected perhaps by the wave of unrest which had been passing through the Indian student world at large, they picketed some functions organised in aid of the war fund, pelted a Deputy Commissioner, and broke the windows of his car. Their procession was broken up by the police, and Mr. Bardoloi and other Congressmen at once brought charges of excessive violence. This affair played no small part in precipitating the political crisis which began a few days later.

This brief record of administration would be incomplete without mention of an incident which showed that one of the fundamental principles of British constitutional government—the subjection of the executive to the rule of law—had not yet been fully understood in ministerial circles. In the summer of 1937 several persons, including a sub-registrar, were charged in a magistrate's court with fabrication of evidence and perjury. In August the Government obtained the records of the case and kept them for six months. In March 1938 the Government Pleader asked for the withdrawal of the case on the ground of insufficient evidence, though all of it had not yet been produced in court, and the magistrate allowed the accused to be discharged. It became known a little later that one of them was nearly, and two others more distantly, related to a Minister. On review of the case the High Court returned it to the magistrate for re-trial and commented severely on the illegality and impropriety of the Government's attempt to obstruct the course of justice.

## CHAPTER VII

### THE NON-CONGRESS GOVERNMENTS: IV. SIND

WHILE Sind shares the backwardness and poverty of Assam, it suffers far more severely from the worst disease of Indian society—communal dissension. The overwhelming majority of the Moslems of Sind over the Hindus—71 per cent. to 27 per cent.—might seem at first sight to make for peace; but the Hindus' inferiority in numbers is largely compensated by their economic strength. While the agriculturalists, landlords as well as cultivators, are mostly Moslems, the business of the Province is almost exclusively in Hindu hands. The Karachi firms, with their old-established overseas trade, the bankers and shopkeepers, above all the moneylenders, are, except for a few Parsis, almost all Hindus, who thus possess, like similar monied minorities in other lands, a hold on the economic life of the community out of all proportion to their numbers. Thus religious schism in Sind, as in other Moslem-majority Provinces, is deepened by a conflict of material interest.

In these circumstances it might have been expected that the Moslems of Sind would close their ranks and oppose a single political front to the wealth and influence of the Hindus. Nor was that the only reason for Moslem solidarity. The separation of Sind from Bombay had been a concession to communalism. Its Moslems had been raised from a minority status to that of a majority. It was clearly up to them to make a success of the new 'Moslem Province'. But they betrayed from the outset an even more desperate incapacity to unite for the purpose of forming a strong and stable administration than the Moslems of Bengal or of Assam. The one group, indeed, in the Assembly with any coherence and solidity was the small Congress group. The conduct of the other Hindus was only less capricious than that of the Moslems. Elsewhere, as has been seen, Governments were deprived of security and self-confidence by this lack of a steady and coherent party system, but nowhere was their hold on office more hazardous than in Sind.

#### I. THE GOVERNMENT

The result of the elections gave 18 out of the 60 seats in the Assembly to the Sind United Party, the chief Moslem group, 11 to the Sind Hindu Sabha, 9 to the Independent Moslems, 8 to the Congress, 4 to the Sind Moslem Party, 8 to the Sind Azad Party (another Moslem group, associated with the Congress), 2 to the Independent Hindus, 1 to a Labour Independent, and 4 to candidates who had adopted no party labels.

The strongest member of this variegated company, the United Party, had lost its leader at the polls, but Sir Ghulam Hussain Hidayatullah, a



Moslem landowner who had been a member of the Bombay legislature, undertook to form a Ministry. It proved to be a kind of intercommunal coalition, since his attempts to consolidate the Moslem group proved futile—even some members of the United Party broke away from him—and he was obliged to call in Hindu aid. One Hindu Minister was appointed to serve with himself and a Moslem colleague in a Cabinet of three. In the course of the first few months it managed to carry its budget and one or two bills; but it had to abandon other measures in the face of hostile combinations of Hindu and Moslem groups and individuals with the Congress Opposition. In October it suffered a serious blow. It became known that Mr. Govind Ram, the Hindu Minister of Public Works, had been acting, while in office, as a partner and manager in a business firm. His dealings in cotton, it appeared, had proved unfortunate; and, having become involved in losses amounting to six or seven lakhs (about £50,000), he applied to the Revenue Commissioner for protection from his creditors under the Sind Encumbered Estates Act. At this point his resignation became inevitable, and he was succeeded by another Hindu. It seemed at the time that the Government would weather this little storm, but in fact it had raised personal issues which soon drove it on the rocks. Some of its Hindu supporters went over to join the dissident Moslems and the Congress in opposition. A few Moslems followed them. In March 1938 an adverse vote on the budget was taken as a vote of no-confidence and the Ministers resigned.

The sequel showed the strength which the Congressmen, though there were only eight of them in a house of sixty, derived from their consistent policy and rigid party discipline. They were advised by the 'high command' not to join in a coalition; but, when the leader of the dissident Moslems, Khan Bahadur Allah Baksh, another big landowner and ex-member of the Bombay legislature, accepted office and formed a Cabinet with one other member of the United Party and one Hindu Independent, he could only count on twenty-two supporters, and in order to ensure at least the benevolent neutrality of the Congress group, he framed his Government's policy more or less on Congress lines. Some minor items of the official Congress programme were at once adopted. Ministerial salaries were reduced to the Congress level. Honorary magistracies were abolished. Ministers were requested to boycott social functions. The single 'political prisoner' confined in the Province, a Punjabi terrorist, was released. And in the next session the standard resolution condemning the federal scheme of the Act of 1935 was carried, and the nominated seats on various local government bodies were abolished. It seemed, indeed, that in Sind, as in Assam, the Government had become something like a Congress Government; yet, whereas in Assam there were at any rate two Congress Ministers, in Sind there were none.

In the summer of 1938 the Congressmen gave a turn to the screw. It was part of the arrangement by which Sind had become a separate Province

that the debt-charges on the great Lloyd barrage and canal scheme should be met by a gradual increase of revenue from the newly irrigated lands. But, owing to the low prices of the chief crops grown on those lands, any increase in the land-dues was bound to be highly unpopular and not easy to enforce. Yet the Government was obliged somehow to meet the charges. If it did not, the Governor on his part would be obliged to intervene, since, together with the 'special responsibilities' imposed on all the other Governors, he was charged under the Act of 1935 with an additional and peculiar 'special responsibility' for 'securing the proper administration' of the Lloyd scheme.<sup>1</sup> Nevertheless, the Congress group attacked the ministerial plan as inflicting too great a hardship on the cultivators, and, though Mr. Vallabhbhai Patel, one of the most influential members of the Congress hierarchy, visited the Province and counselled moderation—he was thought to have considered the plan to be not unreasonable—the local Congressmen refused to withdraw their opposition. They would not support the Government, they said, on the next vote of no-confidence unless it agreed to suspend the plan for a year.

A few months later the Government was assailed from without. The Moslem League, as will be seen, had greatly enhanced its strength in the autumn of 1937 by securing the formal adherence of the Premiers of the Punjab and Bengal. So far no such pressure had been brought to bear on Sind, but in October 1938 Mr. Jinnah came to Karachi to preside over the annual League Conference, and set himself not only to stiffen the loyalty of the local Moslems to the League, but also to convert the Government into a League Government. The negotiations broke down, and Mr. Jinnah publicly accused the Premier of treachery. Thus Khan Bahadur Allah Baksh was now under fire from both the Congress and the League: yet, for that very reason, he seemed to have gained strength rather than lost it. For the moment at any rate, Provincial patriotism was reacting against those two all-India bodies. 'Sind for the Sindis' was the cry. In January 1939 the long-awaited motion of no-confidence was defeated by 32 votes to 7, and a Congress resolution on the Lloyd assessment, backed by the League, was rejected by 30 votes to 20. In February the Government secured a valuable recruit. Sir G. H. Hidayatullah, the ex-Premier, resigned his leadership of the Provincial branch of the League in order to join it. As part of the arrangement, two additional Ministers were appointed, one Moslem and one Hindu.

At this stage the Government seemed to have obtained a substantial measure of independence. It had defied the League and, if it was still bound to consider the opinions of the Congress group, it was no longer dominated by them. But it was not destined to enjoy a quiet or safe life. Almost at once it was involved in an unpleasant dispute which greatly impaired its unity and stability.

A new religious movement, known as Om Mandli, professedly non-

<sup>1</sup> S. 52 (2).

communal but mainly Hindu and associated with modern ideas about the emancipation of women, had excited the hostility of the dominantly conservative Hindu community, and it suddenly became the object of an almost passionate attack. It was denounced as a hot-bed of immorality. There were rowdy demonstrations in the streets of Karachi, and even talk of launching a campaign of 'civil disobedience'. The two Hindu Ministers succumbed to this violent agitation and resigned, and their colleagues were threatened by the prospect of the Independent Hindu members of the Assembly going over in a body to the Opposition. A crisis was averted by the appointment of a tribunal to investigate the conduct of the Om Mandli. Pending its report, the Hindu Ministers resumed office, and a few weeks later the tribunal pronounced the charges of immorality to be true. The Government was thereupon induced to declare the Om Mandli to be an 'unlawful association' under the Indian Criminal Law Amendment Act of 1908, and under further Hindu pressure in the Assembly it compelled it to close and vacate its premises.

This sordid little affair was soon overshadowed by greater events. The war stirred all India more deeply at its outbreak than at any of its later stages except those of the Battle of Britain and the Japanese occupation of Malaya and Burma; and public opinion in Sind responded promptly to the Nazi challenge. The Ministry unanimously requested the Governor 'to place the entire resources of the Province unconditionally at the service of the Viceroy'<sup>1</sup> as the representative of the Crown. But the catastrophe in Europe was thrust quite into the background of public interest in Sind by the savage communal conflict within its own borders which came to a head a few weeks later. One of its incidents was the fall of the Baksh Government early in 1940.

## II. COMMUNAL STRIFE

On the river-front at Sukkur are two domed buildings known as the Manzilgah which had been for a century past in the possession of the Government. Like the Shahidganj mosque in the Punjab, these buildings had long been a matter of dispute, since, though it was not so designated on any map, the Moslems claimed that at least one of them had once been a mosque, and should therefore be surrendered to Moslem occupation. In August 1939 the smouldering quarrel burst into flame. The old demand was fiercely pressed with the connivance, it was believed, of the Moslem League, which was willing, so its enemies asserted, to use any means of embarrassing and discrediting Khan Bahadur Allah Baksh. His Cabinet was sharply divided—the Moslem Ministers stoutly asserting, their Hindu colleagues as stoutly denying, that the Manzilgah contained a mosque. Negotiations with such a Government not unnaturally broke down, and on October 1 the Moslems started a 'civil disobedience' movement and

<sup>1</sup> *Times of India*, September 11, 1939.

hundreds of volunteers courted arrest. On October 8 a mob of them swept aside the police guard at the Manzilgah and occupied it. At once the so-called 'Restoration Committee', which was in touch with the Moslem League, demanded that the *fait accompli* should be recognised as lawful, and picketed the houses of the Moslem Ministers to enforce the demand. The situation was now so grave—the 'volunteers' could only be ejected from the Manzilgah by the use of considerable force—that the Governor, in discharge of his 'special responsibility' for 'the peace and tranquillity' of the Province, issued an ordinance permitting arrest and detention on suspicion and strengthening the powers of the courts.<sup>1</sup> The Government, meantime, was trying to bring about a settlement in which moderate Moslems and Hindus might concur. But it proved a hopeless task. Mr. Gandhi, indeed, declared that responsible Governments were helpless in the face of a popular upheaval. The only remedy, he said, for those who lived in perpetual fear was to migrate. But the traders of the local Hindu community, apart from the fact that Sindhi was the only language they could speak, were by no means prepared to abandon their dominant position in the business life of the Province. They preferred to listen to the Mahasabha, whose fire-eating spokesmen insisted on the rigorous repression of the Moslem peace-breakers, declared that their previous opposition to the separation of Sind from Bombay had been more than justified, and proposed that, failing re-annexation to Bombay, the control of law and order should be resumed by the Governor. The local members of the Moslem League, for their part, were apparently less bent on the restoration of peace and order than on the pursuit of their feud with the Premier. The only group, in fact, that seems to have been influenced by any cool consideration of the public interest was the small Congress group, which continued its policy of supporting the Government as long as it conformed to some extent with Congress principles.

While the politicians were thus mostly engaged in barren recrimination and intrigue, the situation in the north of the Province grew steadily worse. On November 1 the murder of a venerated Hindu poet added fuel to the communal fire, and oil was poured on it about a fortnight later by a provocative meeting of the Mahasabha held at Sukkur itself, with Dr. Moonje, one of its most uncompromising leaders, in the chair. At last the Government decided to take strong action. Police, with Indian troops held in reserve, attacked the Manzilgah with *lathis* and tear-gas, drove out the 'volunteers', and put the building once more under guard. But that did not end the trouble. Rioting broke out that evening in the town of Sukkur, aided by the fugitives from the Manzilgah. It lasted for more than two days, and 19 Hindus and 15 Moslems were killed. The troops were promptly reinforced from Hyderabad and later from Quetta; but disorder was now spreading beyond Sukkur. At Shikarpur there was panic among Hindus, but no actual outbreak. At Rohri a riot was

<sup>1</sup> The Sind Special Powers Ordinance, No. I of 1939, under Section 89 of the Act of 1935.

quickly suppressed, but not before several Hindus had lost their lives. Nor was the trouble confined to the towns. The countryside was now alight, and Moslem peasants fell upon their Hindu neighbours, murdering and looting. At the end of December a provisional and conservative estimate of the number of people killed during that month was 115 Hindus and 17 Moslems.

In January 1940 the two Hindu Ministers, no longer able to withstand the fierce attacks of their fellow Hindus for failing to protect their community, resigned, and in February the rest of the Bakshi Government collapsed. Its fall was due not only to Hindu hostility, but also, and more so, to the persistent intrigues of the Moslem League; and it is significant that after the change of Government the communal agitation began gradually to subside. There were still occasional outrages. The most alarming was the murder of a Hindu member of the Assembly in July, which prompted a renewal of the demand in Hindu circles that the Governor should be made responsible for law and order. But there was nothing like the upheaval of the previous autumn, nor was the tension noticeably increased by the publication in September of the results of the inquiry into the Sukkur riots which Mr. Justice Weston had undertaken at the Baksh Government's request. He fixed the final figures for the casualties in Sukkur town and district as 151 Hindus and 14 Moslems killed and 58 Hindus and 18 Moslems injured. While offering his sympathy to the community which had suffered most, he commented on the narrow communal spirit of the Hindus in Sukkur town, where they were actually in a majority. But, if he ascribed the fierceness of the agitation partly to the stiffness of Hindu opposition to Moslem claims, he ascribed it also to the political manoeuvres of the Moslem League who took up the quarrel in order to strengthen their own position and to force the Baksh Government out of office. The Government itself, however, had also been at fault. It had failed in decision and prompt action, and its interference with the executive officers on the spot had been one of the causes of the general lowering of respect for law and order.

Mr. Justice Weston had also been asked to report on the Manzilgah dispute, and in January 1941 he pronounced that the western building had been originally constructed for use as a mosque. Wisely accepting this decision, the Government entrusted the whole site to a board of management on the understanding that the western building would be used as a mosque, but that the existing processional and other religious rights of the Hindus in the vicinity should be maintained. Thus, for the time at any rate, the old quarrel was set at rest. The Moslems had won, and the only fault the League could find with the settlement was that the site had been handed over to a board rather than to it.

## III. POLITICAL AND CONSTITUTIONAL CONTROVERSY

While the worst of the communal trouble was thus being overcome, the politics of the Province had continued on their devious course. Khan Bahadur Allah Baksh's successor in March 1940 was Mir Bandeh Ali Khan, the Revenue Minister in the previous Government and now the leader of a new 'Nationalist Party', a strange combination of the Moslem League and the Hindu Independents. It had been decided by their 'high command' that Congressmen, despite the resignation of the Congress Governments elsewhere, should continue to 'co-operate' in Sind; and they gave the new Government the same kind of support which they had given to its predecessor. The late Government had carried an Act<sup>1</sup> to prohibit the consumption of intoxicants in public places and their consumption everywhere by or sale to persons under twenty—a first step, it was declared, towards total Prohibition—and had sponsored a bill to provide for the introduction of 'joint electorates' in municipalities with allotment of seats to Moslems and non-Moslems. The latter was in clear violation of the League's old-established principle of separate electorates, and, when it was followed by a bill to establish 'joint electorates' in local boards also, Mr. Jinnah and Sir Abdulla Haroon, one of the Sindi representatives in the Central Assembly and a member of the landed oligarchy like all the Moslem politicians in Sind, intervened on the League's behalf. Ministers were told that communal strife would be rekindled by the enactment of the bills, but in April 1940 the first was enacted.<sup>2</sup> The second bill, however, was allowed to lapse.

Meanwhile public opinion had been preoccupied by a personal dispute. In November 1940 Khan Bahadur Allah Baksh had accepted a seat in the Bandeh Ali Cabinet on the secret understanding—promptly published—that the Premier would resign in the middle of February. The appointed day came and nothing happened. A long and unedifying controversy ensued, and, since it was regarded as involving the question of the number of Moslems in the Cabinet, it took on the inevitable communal hue. It lasted for several weeks. Both Mr. Jinnah and Mr. Gandhi joined in the combat. The Government itself was split in two, and finally, on March 6, Khan Bahadur Allah Baksh and the two Hindu Ministers resigned in the middle of a debate, whereupon Mir Bandeh Ali Khan and his two surviving Moslem colleagues, finding themselves in a minority, also resigned.

Khan Bahadur Allah Baksh was now recalled to the Premiership, and he chose as his colleagues another ex-Premier, Sir Ghulam Hussain Hidayatullah, the two Hindu ex-Ministers and another Moslem. None of the three Moslems belonged to the League, which was thus for the first time without a single representative in the Cabinet, nor was its resentment softened when, after a month's delay, the sixth place was filled by another Moslem who owed no allegiance to the League. As usual, therefore, the Government

<sup>1</sup> IV of 1940.<sup>2</sup> X of 1940.

needed those eight steady Congress votes, and as usual its policy was one for which they could be cast. It announced a three-point programme: the fixing of a communal ratio for the recruitment of the Provincial Services, the gradual separation of the judicial from the executive branch of the administration, and a Tenancy Reform Bill. Meantime a Debt Conciliation Bill was passed;<sup>1</sup> and, while an increase of ministerial salaries was carried, a similar increase in the payment of members of the Assembly, vehemently attacked by the Congressmen, was dropped. With these proceedings it was difficult for the League to quarrel on grounds of public interest; but its old feud with the Premier had not been tempered by time, and, as before, the weapon it used against him was the two-edged weapon of communalism. This was strikingly demonstrated when the Premier, following the lead given in the Punjab, carried a vote of one lakh (£7,500) for the promotion of communal harmony. The vote was hotly opposed by the League members of the Assembly on the frankly partisan ground that it would weaken Moslem support for the recently launched Pakistan campaign.<sup>2</sup> They asserted, moreover, that the Ministry would use the money merely to strengthen its own position.

Meantime the relations between the Premier and the Governor (Sir Hugh Dow) were becoming strained. Differences of opinion as to appointments to the higher posts were liable to occur in all Provinces under the new *régime*, with inexperienced Ministers on the one hand, subjected to personal and communal pressure, and Governors, on the other hand, charged with 'special responsibilities' to protect the interests of minorities and the lawful rights of civil servants. In most Provinces such differences must have occurred from time to time, but it was only in Sind that they reached the point of public controversy. In several cases the Governor felt himself obliged to impose his decision on his Premier, especially in view of the disturbed conditions in the northern part of the Province, and finally he refused to sanction the appointment of a certain Indian official to succeed a British official as Revenue Officer for the Lloyd barrage. He is understood to have regarded the official in question as unsuited to so responsible a post, and in exercise of his extra 'special responsibility' for the administration of the barrage he appointed another British official as in his opinion the best man available. Khan Bahadur Allah Baksh, unable to get his way in private discussion with the Governor, appealed to public opinion. In the course of December 1941, he declared in the Assembly that the Governor's conduct was not only in conflict with the undertaking given by the Viceroy in 1937 as to the Governors' use of their 'special responsibilities'<sup>3</sup>—a point which he failed to make good—but was inspired by race prejudice. He disclosed the fact that he had lodged a complaint with the Viceroy, and it was understood that he and his colleagues were contemplating a formal representation to the Secretary of State. No such representation was in fact made.

<sup>1</sup> IX of 1941.

<sup>2</sup> See p. 206 below.

<sup>3</sup> See p. 19 above.

Another constitutional question of quite a different kind deserves attention. In the winter of 1940-1 a so-called 'Council of Sixteen' was established as a means of informal conference between Ministers and the leaders of other party groups at which the former could explain and secure support for such major legislation as they contemplated. When the League Ministry fell in March 1941, the League members refused to attend the Council, and it fell into abeyance. But Khan Bahadur Allah Baksh presently revived it, filling the vacant places with non-League nominees. In the spring of 1942 it contained eighteen members, of whom only seven, including the four Moslem Ministers, were Moslems: the rest, including the two Hindu Ministers, were all Hindus except Mr. Sidhwa, the Parsi leader of the Congress group. Thus the Council by no means reflected the communal composition of the Assembly, in which the Moslem ratio was still well over 50 per cent. Nevertheless its importance steadily increased. It became, in fact, a sort of Assembly within the Assembly. It could make certain, on the one hand, that the action it favoured would be taken by the Assembly proper—and with less than the usual discussion and delay. Mr. Sidhwa publicly boasted in April 1942 that practically all recent Government measures had been due to his forcing them through the Council. On the other hand, the Council could practically veto measures it disliked and preclude their submission to the Assembly. The operations of this *junta* were clearly a perversion of constitutional government, at any rate as conceived by the authors of the existing constitution; and it was not surprising if the Moslem League regarded it as a conclusive proof that the Government of Sind was virtually a Congress Government.

The close *liaison* between the Premier and the Congress was made still clearer in the course of the next six months. The sharpening of antagonism between the Congress 'high command' and the Central Government, which (as will be recorded in Chapter XXII) followed the breakdown of the Cripps Mission and culminated in Mr. Gandhi's declaration of 'rebellion', in the arrest of all the Congress leaders, and in the outbreak of serious disorder in several Provinces, put Khan Bahadur Allah Baksh in a difficult position. He had never concealed his sympathy with the Congress and its policy, but, as Premier of Sind, it was his duty to combat all agitation conducted in the Congress name—there was little trouble, as it happened, in Sind—and to that end, like the other non-Congress Provincial Governments, to co-operate with the Centre. It was now more irksome, too, for the Congress group in Sind to see their friendly Premier sitting, so to speak, in the enemy's camp. In those circumstances it might have been expected that, whether in accordance with his own inclinations or under pressure from his Congress allies or for both reasons together, Khan Bahadur Allah Baksh would have resigned, just as the Congress Ministers resigned in 1939. But he took another course. On September 26 he communicated to the Press a letter he had written to the Viceroy renouncing his title of 'Khan Bahadur' and his O.B.E. as 'tokens of British imperialism'.



The policy of the British Government [he wrote] has been to continue their imperialistic hold on India and to persist in keeping her under subjection, to use political and communal differences for propaganda purposes, and to crush national forces to serve their own imperialistic aims and intentions.<sup>1</sup>

On October 8 Mr. Allah Baksh followed this up with a still more outspoken attack on British policy. 'The responsibility for plunging the country into chaos must lie with the British Government. . . . Instead of winning the friendship and alliance of India, the Government has launched a campaign of repression and terror.'<sup>2</sup>

The Premier's critics took the view that his renunciation of honours was out of harmony with the oath of allegiance which he had taken on assuming office, and that the natural outcome of his conduct was resignation. But Mr. Allah Baksh refused to resign. Thereupon the Governor dismissed him as no longer 'possessing his confidence'.<sup>3</sup> 'A Premier remains a Premier', Mr. Allah Baksh remarked, 'only if he has the confidence of the Governor and not merely if he has the confidence of the legislature.'<sup>4</sup> But the Congress Ministers were backed by majorities in all their legislatures when they resigned in 1939, and, unusual though some aspects of current Indian politics may be, it was somewhat paradoxical on Mr. Allah Baksh's part to assert a right to remain in office in accordance with constitutional usage and at the same time to express agreement with a body in 'open rebellion' against the constitution. Nor can it be forgotten that India was at war and that, not long before these developments in Sind, the Governor of Assam (as stated in the last chapter) had required of his new Premier an undertaking that he would support the war-effort.

The Governor invited Sir Ghulam Hussain Hidayatullah, Premier in 1937-8 and Home Minister in Mr. Allah Baksh's last Ministry, to take the latter's place, and by October 22 Sir Ghulam succeeded in forming a 'Coalition Government', consisting of two members of the Moslem League, one Independent Moslem, and two Hindus. One of the latter had been a member of the Baksh Cabinet. Both of them now resigned from the Hindu Independent Party. Opinion in Karachi was excited and inflammable. It was reported on the one hand that a body of Moslem divines had commended Mr. Allah Baksh for his courage and truthfulness, and on the other hand that thirty thousand Moslems, assembled at prayer, had congratulated the Governor on the dismissal of Mr. Allah Baksh and affirmed their confidence in Mr. Jinnah and the policy of Pakistan.<sup>5</sup> Congress sympathisers for their part were picketing the houses of the new Hindu Ministers, and on October 26 a bomb exploded near one of them. But the Hindu Ministers stood firm despite Mr. Jinnah's unequivocal declaration that he would not tolerate a coalition. Nor did they change their minds when on October 28 the new Premier, who had been a Moslem Independent since 1939, announced<sup>6</sup> that

<sup>1</sup> *Hindustan Times*, Sept. 27, 1942.

<sup>2</sup> *Ibid.*, Oct. 9, 1942.

<sup>3</sup> Official communiqué, Oct. 10, 1942: *Times of India*, Oct. 12.

<sup>4</sup> *Ibid.*, Oct. 12, 1942.

<sup>5</sup> *Ibid.*, Oct. 18, 1942. For Pakistan, see Chapter XVII.

<sup>6</sup> *The Times*, Oct. 24, 1942.

in view of Congress hostility and in the interests of his own community he had decided to join the League. The other independent Moslem Minister also joined the League by the end of the year. Whether the new Ministry could now be fairly described as a 'League Ministry'<sup>1</sup> or not, it was evidently free from the hold which the Congress had exercised over its predecessor. It was said to have the backing of 29 out of the 84 Moslem members of the Assembly, but at the end of the year the Assembly had not met, and it was impossible, therefore, to say for certain whether the stability of the new Ministry rested on a more or less united Moslem front.

#### IV. LEGISLATION

The output of legislation in Sind during the period was not so meagre as in Assam, but much of it dealt with minor matters. Seven Acts, for instance, were concerned with the salaries of Ministers and members of the Assembly. A number of useful measures were carried, however, besides the Acts mentioned above to restrict the consumption of intoxicants and to establish joint electorates in the municipalities. (1) A Primary Education Act,<sup>2</sup> establishing a Provincial Board and elected local schoolboards, with administrative officers and inspectors appointed by Government, and an Act<sup>3</sup> making a start with compulsory primary education by applying it to the male children of the better class of *samindars*. (2) An Act<sup>4</sup> to relieve debtors by cancelling the interest outstanding on debts incurred before 1932, cancelling the debts themselves if the interest already paid amounted to twice the principal, and limiting interest on debts after 1932 to 6 per cent.; and an Act<sup>5</sup> providing for conciliation boards for the settlement of debts. (3) An Act<sup>6</sup> to establish markets and market-committees for the sale of agricultural produce on the lines of the Punjab Act. (4) A Shop Employees Act,<sup>7</sup> limited in the first instance to Karachi and its neighbourhood, on the lines of the Bombay Acts. (5) An Act<sup>8</sup> to establish a register of nurses, midwives, health visitors, etc. (6) A Famine Relief Fund Act,<sup>9</sup> providing a capital of 12 lakhs (£90,000).

#### V. THE REVOLT OF THE HURS

There is a certain unreality about politics in Sind because of their concentration at Karachi. It is at that busy city at the mouth of the Indus—its importance as a sea-port and air-port greatly enhanced by the war—that the political discussions and manoeuvres are mainly carried on. But Karachi is not really Sind: it is more like a projection of Bombay; and, except as the point of exit and entry to and from the outer world, its life has little contact with the sandy, thinly peopled, still largely uncivilised *hinterland* which is Sind. No provincial capital is so detached from its Province as a whole.

The contrast between civilisation on the coast and barbarism in the

<sup>1</sup> See p. 184 below.

<sup>2</sup> VIII of 1940.

<sup>3</sup> XVIII of 1940.

<sup>4</sup> XXIV of 1939.

<sup>5</sup> IX of 1941.

<sup>6</sup> XIII of 1939.

<sup>7</sup> VII of 1940.

<sup>8</sup> XI of 1940.

<sup>9</sup> IV of 1937.

interior was well illustrated in the period under review by the trouble with a body of fanatical tribesmen known as the Hurs. They owe allegiance to local notables, called Pirs, whose disregard of lawful authority was a constant difficulty long before Sind became a separate Province; and about a year before the inauguration of the new *regime*, as it happened, the most formidable of them, Pir Pagaro, had been released from a term of imprisonment. His conduct was watched by Ministers with anxiety, if not alarm. Not only did he persuade his utterly devoted followers to strip themselves of almost all their belongings for his use, a sacrifice that could only be made good by looting their neighbours: he was also known to be the instigator of a mounting list of crimes from ordinary theft to murder and to be enrolling and arming bands with a view, it was believed, to a rebellion against British rule. In the summer of 1941 it seemed dangerous to leave the Pir at large, and he was ordered to reside in Karachi. In the autumn a cousin whom he hated was murdered with two of his attendants, undoubtedly at the Pir's orders. He was therefore again arrested and imprisoned, not in Sind this time, but in the Central Provinces. There followed something like a reign of terror in the north. Murderous outrages were frequent. Twenty-six people were killed in the month of February 1942. Telegraph and railway lines were sabotaged. In consultation with the Central Government, plans were made by the Provincial Government to cope with these disorders. Special police forces were organised, and in the course of April over 800 Hurs were rounded up and jailed.

But in May the situation rapidly worsened. The Karachi-Lahore mail train was derailed on the 16th, and some twenty of the passengers murdered, including the son of Sir G. H. Hidayatullah, the Home Minister. Apart from this outrage there were 33 cases of murder—among the victims was a Congress member of the Provincial Assembly—or gang-robbery in this period; canals were breached, crops destroyed, and tribute exacted from landlords. It was clearly time for the Centre to take a hand. Drastic action on a larger scale than the Provincial Government could undertake was needed both to re-establish public security and to restore a vital strategic line of communications. Accordingly a brigade of infantry was ordered to the scene, and on June 1 martial law was proclaimed and the normal civil administration suspended over the area north of Hyderabad and east of the Indus, including the whole of the State of Khairpur. The Provincial Ministry raised no objection to these proceedings and the Governments of the four States affected fully co-operated with the military authorities. The only note of disagreement came from Mr. Gandhi. 'The Government machinery', he wrote in *Harijan* on May 24, 'has evidently broken down. The real remedy is for Congress members to withdraw from the Assembly and Khan Bahadur Allah Baksh to resign. These should form a peace-brigade and fearlessly settle down among the Hurs and risk their lives in persuading their erring countrymen to desist from their crimes.' There was no response to this proposal.

The subsequent campaign, carried out on difficult *terrain* and in extreme heat, achieved its purpose. By the end of July some 2,000 Hurs and dacoits had been arrested and tried by special tribunals and 45 hanged. But isolated crimes were still occurring and some months elapsed before public peace and safety were in the main restored. The affair had been a grim demonstration of the gravity which the problem of maintaining law and order can suddenly assume in parts of India.

## CHAPTER VIII

### THE NON-CONGRESS GOVERNMENTS: V. ORISSA

TOWARDS the end of the period covered in this Report, the transference of Assam from ministerial to official control was balanced, so to speak, by the reverse event in Orissa.

Orissa, like Sind, was a new Province in 1937, made up of the southern part of the previous Province of Bihar and Orissa and a slice of Madras to provide an autonomous unit for the Oriya-speaking people. Like the Sindis, if not more so, the Oriyas have a strong national or racial feeling, and in their case popular sentiment is not weakened in politics, as it is in Sind, by the dominance of a capital of mixed population. The Province is relatively small and poor: it has less than nine million inhabitants; but its people were proud of its new status under their own Ministers, and they felt more quickly than the peoples of other Provinces the general reaction against the control of ministerial policy by the Congress 'high command'. In Orissa, therefore, the enforced resignation of the Government in 1939 was more resented than in any other 'pure' Congress Province, and throughout the period of 'Governor's rule' there was constant talk of a possible breach in the ranks of the local Congressmen.

At last, in the autumn of 1941, seven Congress members of the Assembly, headed by Pandit Godavaris Misra, declared themselves tired of the inactivity imposed by the 'high command', and ready to form a coalition with the anti-Congress group with a view to taking office. A leader was found in the Maharajah of Parlakimedi, a descendant of the Gajapati dynasty, who were the country's last Oriya rulers four hundred years ago. At the end of October the Parlakimedi-Misra alliance was announced, and the programme of the Coalition was defined at a party meeting. Its first item was 'the attainment of *Swaraj* for India as an integral part of the British Empire by constitutional means'—an echo from the more tranquil days of Congress agitation.<sup>1</sup> Other items were the development of the unexplored resources of the Province, the betterment of relations between landlords and tenants, the consolidation of the co-operative movement, and the establishment of a High Court and a residential university. In pursuance of this programme the two Coalition leaders claimed that they could command 22 and 10 votes respectively in the Assembly. They believed they could also count on the votes of its four Moslem members.

This was a small enough presumptive majority in a house of 60; but the Governor (Sir Hawthorne Lewis), being satisfied as to the attitude of the Moslems and as to the Coalition's genuine support of the war-effort, agreed to the restoration of responsible government. On November 23,

<sup>1</sup> See Part I, 37.

accordingly, the application of Section 93 of the Act was revoked by proclamation, and the Maharajah, the Pandit and a Moslem were sworn in as Ministers.

Naturally the Congress 'high command' remonstrated. The Parliamentary Sub-Committee called on the recalcitrant Congress members of the Assembly to resign their seats, and the Working Committee, meeting at Bardoli at the end of December, confirmed this injunction and denounced the rebels' conduct as 'a betrayal of their constituencies and contrary to ordinary constitutional usage and integrity'.<sup>1</sup> But Pandit Misra and his colleagues refused to bow to the storm, and, when the Assembly met for its budget session in February 1942, they just succeeded in weathering it. They were aided by the absence of three or four Congressmen who had been arrested for violent anti-war speeches or statements<sup>2</sup>—a proceeding described by Mr. Gandhi and the Congress press as 'mean'—but their majority was still so unsafe that on one occasion a supporter was brought to the House in an ambulance. (He died a little later.) They were only defeated once, however, and that only by the Speaker's casting vote on a minor bill. The Opposition did not feel quite strong enough to join issue on a direct motion of no-confidence. They won, however, a by-election in a backward district of the Province by an overwhelming majority.

In May the Ministry's position was weakened by the defection of the Rajah of Khallikote and one supporter from the Coalition; and during the next few months the Congress seemed to be steadily recovering its strength. It was doubtful, indeed, whether a responsible government could be maintained much longer when the whole political situation was changed by the outbreak in August and the arrest of the Congress leaders.<sup>3</sup>

The principal importance of what has happened in Orissa for the purposes of this Report is the evidence it furnishes of the strong 'provincialism' of Orissa and the reaction of a substantial section of its people against interference by the all-India Congress executive.

<sup>1</sup> *Times of India*, Dec. 27, 1941.

<sup>2</sup> One was arrested for stating in the Press that the Ministry contained 'fifth columnists'.

<sup>3</sup> See Chapter XXII.

## CHAPTER IX

### THE NON-CONGRESS GOVERNMENTS: REVIEW

AN attempt may now be made to review the operation of Provincial self-government under the Act of 1935 in the non-Congress Provinces.

(1) The new constitution has worked for five years and is still working in Bengal, the Punjab and Sind. It broke down in Assam after four years, but was restored after seven months of 'Governor's rule', and it has been recently revived in Orissa. If it has not worked everywhere in the way its authors hoped it would, at any rate it has worked. The legislatures, nearly all their members now elected by popular vote,<sup>1</sup> have legislated. They have debated and divided according to rule, with only occasional breaches of parliamentary decorum; and they have enacted a substantial number of measures, most of which were of real benefit to the people. The capacity already shown by Indian politicians to make an orderly and effective use of the traditional deliberative and legislative machinery of representative government has been confirmed.

(2) The Governments likewise have governed. They have been genuinely responsible Governments, depending on majorities in their Assemblies and resigning on the loss of them. Nor has their responsibility been undermined or blurred by the operation of the 'safeguards'. Though it is safe to assume that in all these Provinces the existence of the 'safeguards' has been constantly borne in mind, only twice—once in Assam and once in Sind—has a Governor been in insuperable disagreement with Ministers. The only other direct intervention by a Governor—the stopping of the mosque bill in the Punjab—was on Ministers' advice. Every bill that passes the legislature has, of course, to be submitted to the Governor for assent, and several of these have been reserved by the Governor for consideration by the Governor-General; but only one of them was vetoed,<sup>2</sup> and such amendments as were proposed were accepted by the legislatures. There have been instances of hasty or inexperienced drafting, but reservation for the consideration of the Governor-General has been mainly on the technical ground of the 'repugnancy' of provisions in the bill to provisions of an earlier law in the field covered by the Concurrent Legislative list,<sup>3</sup> and thus for the protection of the new measure against invalidity. Only once—again in Sind—has a Governor been obliged to legislate by ordinance or Governor's Act over the head of the legislature.<sup>4</sup>

(3) The severest test which these responsible Governments have had to stand has been the maintenance of law and order, and in Bengal and the Punjab they have stood it. The danger of violent disturbance, especially com-

<sup>1</sup> See p. 22 note 1 above.

<sup>2</sup> The Code of Civil Procedure (Sind Amendment) Bill of 1933 was refused assent by the Governor-General in order to preserve as far as possible the uniformity of law in British India.

<sup>3</sup> See Part I, 188.

<sup>4</sup> See p. 69 above.

munal strife, has been at least as constant and acute as under the old *régime*.<sup>1</sup> The outbreaks at Dacca, the conflict over the Shahidganj mosque, the trouble with the Khaksars—all these were serious matters, and they were all dealt with firmly, though not all with the same degree of firmness. Generally speaking, Ministers have not been afraid to use their powers, nor reluctant to defend the administrative officers and police in the execution of their duty against the charges of anti-Government politicians. Even at the worst periods of communal tension Ministers got little support from the Press or from the more vocal elements of public opinion; but most of them would probably be ready to admit how much they have been assisted in the field of law and order at large by the advice they obtained from their Governors and from the senior officers of the I.C.S. and the Indian Police and by the loyalty and efficiency of those Secretary of State's Services as a whole. Those Services for their part have had happier relations with their ministerial chiefs in the Punjab and Bengal than in the Congress Provinces. The strain which the introduction of full responsible government put on them has been much less severe. The record of Assam and Sind is not so good. Neither the Digboi strike nor the fighting at Sukkur were firmly handled. In those two Provinces Ministers have been more dependent on the old administrative machine than anywhere else.

(4) In other departments than law and order the change made in 1937 was not so great. With one or two exceptions, such as irrigation, they had all been 'transferred' under dyarchy: the official personnel concerned with them was almost wholly Indian and under Ministers' control. This part of the administration, though it has not been altogether free from undesirable political interference, has on the whole maintained its previous standards of efficiency.

(5) -As to public finance, the basis of all administration, the Provincial record since 1937 will be examined as a whole in Chapter XV. Suffice it here to say that the financial policy of the non-Congress Provinces has been more or less orthodox. In all of them expenditure has increased; the cost of the social services, for example, as estimated in the four<sup>2</sup> budgets of 1942-3 was 88 per cent. higher than the cost in 1936-7; but such increases in expenditure have mostly been met by increases in revenue, resulting partly from the tapping of new sources of taxation. As to loans, which the Provincial Governments are now free to raise on their own account, Bengal and Sind have raised none, Assam only one small one. The Punjab has borrowed more freely, to finance two large irrigation schemes, but this, of course, is 'productive' debt. The terms obtained in the market showed that the financial stability of the Punjab was unquestioned: its credit, indeed, has stood higher than that of any other Province except Madras.

(6) Though the Governments have governed, their capacity has been

<sup>1</sup> For the number of communal riots and casualties, see p. 181, note 3 below.

<sup>2</sup> Including Assam, where the only substantial increase of expenditure during the suspension of ministerial government was on education.



uneven. Some of the Ministers in Bengal and the Punjab have been men of first-rate ability, but the same cannot be said of all their colleagues. In Assam and Sind the level has been markedly lower, and the burden on the civil services correspondingly heavier. Even more serious than the lack of first-rate men has been the lack of stability, both internal and external. Except in the Punjab, the Ministries have been disunited among themselves and exposed to constant risk of defeat in their legislatures. Such Governments cannot be strong Governments.

(7) This grave drawback was the direct result of two interconnected factors—the lack, already apparent under dyarchy, of an effective party system, and the habit, likewise inherited from the past, of determining political allegiance on communal grounds. It was not expected that the nineteenth-century tradition of British parliamentary government, based on two great parties, could be transplanted to India: it had already broken down, indeed, in Britain. Something like the French *bloc* system seemed far more likely. And, with all its faults, the French system was not so bad as British critics sometimes made it out to be; its failings were due to men more than to methods; and, if the Governments it produced were usually unstable, at least they were combinations drawn from a genuine right, left and centre and furnished, therefore, with distinctive policies and principles. But in India no real division of political or economic principle has yet shown itself, except again in the Punjab. There has been a plethora of parties: 14 contested the elections in Assam, 11 in Bengal, 15 in the Punjab, 8 in Sind; but there was little to choose in principle between their electoral manifestoes; and, just as the legislative programme of the non-Congress Ministries has followed the same main lines as that of the Congress Ministries, so in three out of four non-Congress Provinces—it is too soon to pronounce on the fifth—there has been no real conflict of principle between Government and Opposition. Apart from communal considerations it has been merely a battle of ‘ins’ and ‘outs’, with constant changes in the balance of the opposition as groups or individuals shifted and re-shifted their allegiance under pressure of perpetual intrigue. And within the ministerial camp—the Punjab is once more the exception—there has been no binding tie of party or even of personal loyalty. The Premier of Bengal has kept his place, but at the price of an alliance with some of his bitterest opponents. In the course of the five changes of Government in Sind Ministers frequently accepted office under a leader who had brought or helped to bring their former leader down. In Assam politicians so frequently and easily changed their opinions and reversed their votes as to make it quite incredible that they were trying to serve the public interest. A cynic might say that cabinet-making at Shillong was sometimes not very different from a sophisticated game of ‘musical chairs’. In neither of those backward Provinces has the conduct of members of the legislatures been governed solely by the wishes or the welfare of the constituencies they represented.

(8) Without party principles and policies to unite Governments and Oppositions in themselves or to divide them from one another, the uniting and dividing force has inevitably tended to be communal. It is significant that the Government in Bengal has never been so coherent or so stable as when it rested on a more or less united Moslem front. Moslem unity in Sind before 1942 would presumably have had similar results. The Punjab Government, too, has owed a good deal of its solidity to the fact that the great majority of the Moslems have supported it, and, though in the Punjab the communal issue has been cut across by an economic issue, the latter has had its communal side, for the urban interest is predominantly Hindu. Such efforts, moreover, as Governments have made to represent themselves as non-communal have been usually frustrated by their opponents and by the Press. No Government in Bengal, however composed, has had much chance of being regarded by the public as really intercommunal. It was bound to be charged with trying to establish either a Moslem or a Hindu ascendancy. Though the Punjab Government could claim at least to be something like an intercommunal coalition, it was denounced by its non-Moslem enemies as an unmitigated Moslem tyranny.

(9) The evils of this communal schism, which, as has been explained in Part I of this Report, has always been the chief obstacle to the development of parliamentary government or indeed of any form of popular or representative government in India, might have been tempered if the major communal organisations in all the Provinces had combined to form coalition Governments. But the 'high command' of the Congress, which, though non-communal in theory, is in fact a predominantly Hindu body, has consistently refused, except for a short period in Assam, to permit its members to take part in any coalition.<sup>1</sup> The Government formed in 1941 in Bengal was not a genuine coalition since the Moslem League was excluded from it and its Congress members belonged to the dissident section of Bengali Congressmen who are not controlled by the 'high command'. The Government of the Punjab, similarly, is not a fully effective communal coalition as long as it contains no Congressmen.

(10) In all four Provinces, with that brief exception in Assam and that partial exception in Bengal, the Congress has thus remained part of the Opposition and, owing to its energy and discipline, always the most formidable part. Even when its members were directed to withdraw from the legislature and even where, as in the Punjab and Sind, it is numerically weak, it has made its power felt by its capacity for organising agitation and its command of most of the Hindu Press. But it has not been a normal Opposition in the parliamentary sense. It has combined with other anti-Government groups in the hope of defeating the Government but not with the intention of taking its place. It is officially pledged to combat the constitution itself and try to destroy it. And its efforts to that end have not been unsuccessful. It brought about the suspension of the constitution

<sup>1</sup> This is more fully discussed on pp. 101 and 110-12 below.

for a period in Assam;<sup>1</sup> and, though not strong enough to do the same in Sind, it perverted the constitution for a time in so far as it obtained a hold on the politics of the Province by extra-constitutional means. Its conduct in the Punjab and Bengal has been similarly unconstitutional. Its attacks on Government have frequently displayed the violence and irresponsibility which was so marked and so natural a feature of Provincial politics when government was only representative and not also responsible government. If the operation of Provincial autonomy in the non-Congress Provinces has suffered most from communalism, it has suffered next from this absence of a normal or constitutional Opposition. And the two vices have intensified each other. The easiest and most grievous form that political irresponsibility takes in India is the provocation or aggravation of communal strife.

(11) The impact of the Moslem League on the working of Provincial autonomy has been similar to that of the Congress but not the same. The League is a wholly communal organisation, more like the Hindu Mahasabha<sup>2</sup> than the Congress. It was not till after 1939 that the League developed the same sort of power in Provincial politics as the Congress had wielded from the outset. And its purpose was not, like that of the Congress, destructive: it wanted to maintain constitutional government in the four Provinces provided it was Moslem government. Nor has its interference with the domestic politics of the Provinces been so constant or effective as that of the Congress. Its principal achievement has been to secure the adherence of the Moslem Ministers and their Moslem supporters in the Punjab. Its principal set-back has been the loss of its control over the Government of Bengal. In Sind it failed to dominate Moslem politics till the autumn of 1942. Nevertheless, like the Congress, it has been in each Province a disturbing force, seeking to bring Provincial policy into line with that of an all-India organisation.

(12) This invasion of Provincial politics by super-Provincial bodies is of the highest constitutional significance. It raises the basic issue of Unitarianism *versus* Provincialism. In so far as it succeeds it saps the very foundations of Provincial autonomy. It has been more successful, as will be seen, in the Congress than in the non-Congress Provinces, and it has provoked in the latter a stronger reaction of Provincial patriotism. 'Bengal for the Bengalis', 'Hands off the Punjab', 'Sind for the Sindis'—these cries have been raised against the Congress or the League as the case might be. Nevertheless the non-Congress Provinces have been steadily drawn into the vortex of all-India politics. Once again the cause is communalism. All the more fiercely in these Provinces than elsewhere because the odds are more even, the Congress and the League are striving, the one to impose, the other to reject, the doctrine of a strong unitary Centre,

<sup>1</sup> Strictly speaking, the constitution was not suspended, since it provides for 'Governor's rule' in such circumstances as those which came about in Assam.

<sup>2</sup> See p. 198 below.

reflecting the great Hindu majority of India. And, in adopting in the heat of the battle the policy of Pakistan, the League has adopted with it something of Congress unitarianism: for Pakistan must presumably be as closely united, as determined to subordinate Provincial patriotism to the strength and coherence of the State, as the Hindustan it would have to face across the frontier. Thus in the non-Congress Provinces as in their neighbours the constitutional issue has become inseparably interwoven with the communal issue. There can be no final settlement of the one without a final settlement of the other.

(18) Nevertheless, despite the disturbing, perverting influence of communalism within and the pressure of all-India forces from without, the twin pillars of the new constitution—Provincial Autonomy and Responsible Government—have so far not been broken down. They stand firmly in the Punjab. They stand somewhat less firmly in Bengal. They have been twisted but they have not fallen in Sind. They fell but were shored up again in Assam. They have recently been erected, rather shakily, in Orissa. And in all the circumstances this is a notable achievement. Whatever the future may have in store, students of politics must needs be impressed by the fact that a parliamenatry type of democracy has now been tried out for the first time in great Asiatic countries, peopled all together by many millions, and that, in the two more prosperous and advanced of them at any rate, it has for nearly six years successfully survived the trial.

## CHAPTER X

### THE CHARACTER AND POLICY OF THE CONGRESS

THE operation of the Act of 1935 in the seven Provinces in which the Congress obtained a majority in the legislature at the elections of 1937—Madras, Bombay, the Central Provinces, the United Provinces, Bihar, Orissa and the North-West Frontier Province—was different from its operation in the other four. At first sight it might seem to have been in closer accord with the ideas of those who framed the Act. The conduct of the Congress majorities in the legislatures, for example, was more like that of a coherent well-disciplined party, and the Governments consequently were more stable. But in reality the government of the Congress Provinces was not at all the kind of parliamentary government envisaged in 1935. It was responsible government of a kind but not of the British kind. Nor were the Congress Provinces autonomous in the way in which the Act intended them to be. And this difference between the two groups of Provinces, this distortion of the Act in the Congress group, was not accidental. It was at once the natural outcome of the character of the Congress and the deliberate result of its policy. Before dealing, therefore, with the work of the Congress Governments, an attempt must be made to describe, as briefly as may be, the nature and purpose of the Congress system.

#### I. THE CONGRESS CONSTITUTION<sup>1</sup>

The Indian National Congress is sometimes called the 'Congress Party', but it is not a party in the sense in which that word is normally used in democratic countries. It claims to be national, not partisan. Its membership is not confined to one community or class. It contains Moslems and members of other minorities as well as Hindus. It has been financed from time to time by wealthy Indian capitalists; and there are many landowners and other men of property in its ranks; yet it has a vigorous socialist wing, headed by Pandit Nehru.<sup>2</sup> Though, as will be seen, it is deeply interested in the social and economic advancement of the Indian people, its primary objective is national independence—an objective in the pursuit of which, its leaders claim, all differences, communal or social, should be forgotten. When it was founded in 1885<sup>3</sup> and for many years thereafter, it was the only organised embodiment of Indian aspirations for national self-government. But now there are several other bodies—the Moslem League, the Hindu Mahasabha and the Liberals in the forefront—who are also pledged to the attainment of Indian freedom, though in different ways. The Congress, moreover, though intercommunal in principle, has always in fact been predominantly Hindu; and, though it admits no social distinctions, it is mainly led and managed

<sup>1</sup> The full text of the Congress Constitution is given in Appendix I, p. 814 below.

<sup>2</sup> See p. 11 above.

<sup>3</sup> See Part I, 28.

by caste Hindus of the professional class—lawyers, teachers, journalists and so forth. But, if it cannot truly claim that all Indians who desire their freedom are fully represented in its ranks, it is far the strongest political organisation in India. Through the newspapers it controls or influences, still more through its army of local agents scattered through the length and breadth of India, and most of all through the prestige of Mr. Gandhi, it has a firm and widespread hold on Indian or at any rate Hindu opinion. It has been rightly described as 'the most powerful propagandist machine in Asia'. To some extent, moreover, it enlists the sympathy of those who differ from it. Its name and record appeal to the sentiment of Indian patriotism; and, while many moderate-minded Indians, Hindus as well as Moslems, are vehemently opposed to it, there are many also—members of other parties or of no party—who, however much they may disapprove its conduct and criticise its leadership, remember how long the Congress has fought for India's freedom and what hardships Congressmen from time to time have suffered for that cause.

The Congress claims to be the largest political organisation in the world. Precise figures to support this claim have not been published, but the following estimates of the number of primary members have appeared in the Indian Press without contradiction and are believed to be approximately correct—in 1938-9 4½ millions, in 1939-40 3 millions, in 1941-2 1½ millions. The steep fall may be attributed partly to more careful enumeration, but it reflects a real loss of strength after the resignation of the Congress Governments in the Provinces in the autumn of 1939. It is impossible to say whether this has been due to reaction against the negative attitude of the 'high command' towards the war or to lessening interest in a party which has relinquished power or to dislike of being identified with a policy of open disobedience to the law or to some other cause. There has always been a hard core of Congressmen whose allegiance has never wavered, and the number of active adherents who have gathered round it has always fluctuated with the successes and the failures of the movement. Nor, in any case, should the strength of the Congress be measured only by the numbers of its registered members. There are many people who sympathise with the Congress and would vote for its candidates at an election without becoming formal members of it—the people whom Mr. Gandhi once described as 'the millions of unregistered Congressmen'.

Primary membership is open to any person over 18 who pays an annual subscription of 4 annas (4½d.) and declares in writing that he or she accepts the first article of the constitution as reframed under Mr. Gandhi's guidance in 1921—*vis.*, 'The object of the Indian National Congress is the attainment of *Swarajya*. . . by all legitimate and peaceful means'.<sup>1</sup> These primary members are grouped territorially in twenty Provinces, some of which correspond with the existing Provinces of British India, while others are new and smaller areas based on language. Among the former are Bengal, the

<sup>1</sup> See Part I, 67.

Punjab, the United Provinces, Bihar, Assam, the North-West Frontier Province and Sind. Among the latter are Maratha, Gujerati, Telugu and Tamil Provinces. The primary members in a given area—a town or a ward, a district or a village, and so forth—elect the local committee which is the centre of Congress activity, especially for purposes of propaganda and electioneering. But their most important function is the annual election of the delegates in each Province who, together with the President and ex-Presidents of the Congress, constitute its supreme body, the representative assembly or Session. To this end the Provinces are divided into rural and urban constituencies, each of which is entitled to elect one delegate for every 250 primary members, provided (1) that the total number of delegates in any Province does not exceed the ratio of one in every 100,000 of its population, and (2) that not more than 25 per cent. of the delegates in any Province are from urban constituencies.

The Session of the Congress, which is attended by upwards of 2,000 delegates, is usually held in February or March at a place fixed at the preceding Session or subsequently by the Working Committee.<sup>1</sup> It is the custom to choose a place in a different Province each year. The Session lasts as a rule for about six days, and its business is to determine the policy of the Congress for the coming year by voting on resolutions submitted by the All-India Congress Committee (A.I.C.C.) sitting as the Subjects Committee.<sup>2</sup> Though much, no doubt, is discussed and decided behind the scenes, the debates on the resolutions are all that happens at the open Session. These are normally concerned with questions of policy and not with the conduct of the executive.

The delegates who attend the Session, however, are directly concerned with the executive. They elect the chief office-bearer of the Congress and one of the two chief administrative bodies. But they do not do this at the Session as a single popular assembly. They have done it beforehand in their Provinces, voting in separate Provincial groups. At a date fixed by the Working Committee some weeks before the Session, the delegates in each Province are required to meet and perform the following three duties. (1) They record their votes on the candidate or candidates proposed for the Presidency of the Congress for the coming year. Any delegate may be nominated as a candidate on the joint proposal of any ten delegates. The aggregate of the votes cast in all the Provinces determines the election provided that the leading candidate has obtained more than half the total votes.<sup>3</sup> (2) The delegates elect one-eighth of their number as their representatives on the All-India Congress Committee (A.I.C.C.).

<sup>1</sup> No Session has been held since the Ramgarh Session in March, 1940.

<sup>2</sup> Other motions can be put forward at the request of 25 delegates provided that they have been approved by at least one-third of the members of the Subjects Committee.

<sup>3</sup> The list of Presidents since 1923 is as follows: 1923 Mr. Muhammad Ali and Maulana A. K. Azad, 1924 Mr. Gandhi, 1925 Mrs. S. Naidu, 1926 Mr. Srinivasa Iyengar, 1927 Dr. M. A. Ansari, 1928 Pandit Motilal Nehru, 1929-30 Pandit Jawaharlal Nehru, 1931 Mr. Vallabhbhai Patel, 1932 Mr. Seth Kanchhodai, 1933 Pandit M. M. Malaviya, 1934-5 Dr. Rajendra Prasad, 1936-7 Pandit J. Nehru, 1938 Mr. S. C. Bose, 1939 Mr. S. C. Bose and Dr. Rajendra Prasad, 1940-2 Maulana A. K. Azad.

(3) The delegates constitute themselves the Provincial Congress Committee. If they number less than 30, they make up that number by election.<sup>1</sup>

The Provincial Committees have both executive and *quasi*-legislative functions. They are 'in charge of the affairs of the Congress' within their Provinces, and they are empowered to make rules, 'not inconsistent with this constitution', binding on all Congressmen in their Provinces.

The A.I.C.C., which numbered 389 in 1942, and consists of the Provincial representatives together with the President, the Treasurer, and all ex-Presidents who have continued to be members of the Congress and obeyed its constitution, has a similar twofold function. It has to 'carry out the programme of work laid down by the Congress from session to session and deal with all new matters that may arise during its term of office', and it has a corresponding rule-making power to that of the Provincial Committees. It meets at irregular intervals, sometimes two or three months, sometimes much longer.

Since the Session only meets for a few days every year and is only concerned with the general lines of policy, the activities of the Congress are mainly carried on by these Committees which, by the process of indirect election described above, are chosen every year by the delegates chosen by the primary members. But this democratic method does not apply to the most powerful of all the Congress organs, the Working Committee. This Committee consists of the President and fourteen members of the A.I.C.C., who till 1934 had been elected by the A.I.C.C., but by an amendment of the constitution carried in that year are now chosen by the President as soon as he enters office. 'The position of the President today', it has been said, 'is no longer analogous to that of the chairman of a meeting. The President is like a Prime Minister or the President of the United States of America who nominates his own Cabinet.'<sup>2</sup> Small in numbers and meeting frequently, this Committee constitutes the Cabinet or 'high command' of the whole Congress system. Its members are often re-elected from year to year, and most of them are men who have played a leading part in the nationalist campaign since 1920. One of them is the Treasurer of the Congress who supervises the finances of all Congress bodies, big and small. Another is the General Secretary, through whose hands all the business passes: since 1939 this key-post has been held by Mr. J. B. Kripalani. The Committee's powers are very wide. It is defined in the constitution as 'the executive authority', whose duty it is to carry out the policy determined by the Session and the A.I.C.C. It can 'frame rules and issue instructions for the proper working of the constitution *and in all matters not otherwise provided for*'. It is empowered 'to superintend,

<sup>1</sup> Elections for the A.I.C.C. and many other Committees have not been held since the spring of 1940. This has been partly due to the fact that during 1941 and after August 8, 1942, many Congressmen were in jail or under detention for taking or threatening to take part in 'civil disobedience'. But presumably elections could have been held during the first seven months of 1942.

<sup>2</sup> Mr. Subhas Chandra Bose, who was himself President of the Congress in 1938-9.



direct and control all Congress Committees'. The Provincial Committees in particular are subject to its authority: the rules they make cannot operate till they have received its sanction, and they must obey the rules it makes. If a Provincial Committee fails 'to function in terms of the constitution'—in the judgment apparently of the Working Committee—the Working Committee can replace it with a Committee of its own choosing. Finally, it is entitled 'to take such disciplinary action as it may deem fit against a committee or individual for misconduct, wilful neglect or default'.

Constitutionally the Working Committee is only a committee of the A.I.C.C., to which and to the Congress in Session it 'shall remain responsible'. It must report all its doings to the A.I.C.C. which can undo anything it has done. But so far there has been no serious conflict between the two bodies. On every important issue the Working Committee has taken the initiative and made its decisions, and these decisions have normally been re-affirmed by the A.I.C.C., almost, it has seemed, as a matter of course, and finally approved with the same celerity at the next Congress Session.

During the period of Congress government in the Provinces an important part was played by the Parliamentary Sub-Committee which was formed by the Working Committee in March 1937. It consisted of Maulana Abul Kalam Azad, Dr. Rajendra Prasad and Mr. Vallabhbhai Patel. Its duties were 'to be in close and constant touch with the work of the Congress parties in all the legislatures in the Provinces, to advise them in all their activities, and to take necessary action in any case of emergency'. Maulana Azad was assigned the special care of Bengal, the United Provinces, the Punjab and the North-West Frontier Province; Dr. Rajendra Prasad was given Bihar, Orissa and Assam; and the remaining four Provinces—Bombay, Madras, the Central Provinces and Sind—fell to Mr. Patel. In October 1938 the Working Committee specifically ruled that the Parliamentary Sub-Committee was entitled to perform its duties *suo motu* without any reference from the Provincial Parliamentary Party or Congress Committee. It was the Parliamentary Sub-Committee which, 'with the approval of the Working Committee', issued instructions in October 1939 for the resignation of the Congress Ministries.

There remains one vital feature in the operation of the Congress constitution which might be described as unconstitutional, but better, perhaps, as superconstitutional. That feature is the virtual sovereignty of Mr. Gandhi. No one knows the working of the Congress system better than Pandit Nehru, and, though he has not always agreed with Mr. Gandhi, he has never wavered in his personal allegiance, and more than once in his writings he has described him as a kind of 'permanent super-President'.<sup>1</sup> Mr. Gandhi was a normal President in 1924-5 and for some years a member of the Working Committee. But, since 1934, he has held no office in the

Congress. In October that year he announced that he had ceased to be even a primary member. Yet he has often attended meetings of the Working Committee, he has sometimes taken a leading part in the discussions of the A.I.C.C., and the will of the Congress is almost always in the last resort his will. No vital decision is taken without consulting him, and, at any rate so far as the public is aware, his opinion, when firmly held and clearly expressed, has only been over-ruled so far on four occasions.

The first of these occurred when Mr. Subhas Chandra Bose, the leader of the younger Bengali revolutionaries, after serving a year as President, was proposed for re-election in January 1939. This was regarded as a challenge by the Left to the 'moderate' policy pursued by Mr. Gandhi and his circle, and first Maulana Abul Kalam Azad and then, after his withdrawal, Mr. Sitaramayya, was declared to be the 'official' candidate. Nevertheless Mr. Bose was elected by a majority of 199 out of a total vote of 2,951. But the matter did not rest there. Mr. Gandhi at once intimated that he and those who thought as he did might withdraw from the Congress, and in February all the members of the Working Committee except Mr. Bose's brother and Pandit Nehru resigned. Early in March a motion approving the past policy of the Congress under Mr. Gandhi's leadership, expressing confidence in the ex-members of the Working Committee, and requesting the President to follow Mr. Gandhi's wishes in his choice of new members was moved by Pandit Pant in the A.I.C.C. and carried. Mr. Bose was ill at this time, but at the Congress Session on March 11, the suggestion that the matter be postponed till Mr. Bose had recovered his health was greeted with an uproar of disapproval, and the A.I.C.C. resolution was carried without a division.<sup>1</sup> A correspondence between Mr. Gandhi and Mr. Bose ensued which closed with the former's refusal to name the members of the Working Committee. That was the end. At the next meeting of the A.I.C.C. on April 29 Mr. Bose resigned. On April 30 Dr. Rajendra Prasad, the leading Congressman in Bihar, was elected President<sup>2</sup> and on May 1 he re-appointed the twelve ex-members of the Working Committee. Mr. Bose's brother and Pandit Nehru—whose sympathies, as has been seen, have long been more leftward than Mr. Gandhi's—declined to serve.<sup>3</sup> Thereupon Mr. Bose announced the formation of a new party within the Congress to be known as the 'Forward Bloc'. After a further period of hot dispute between Right and Left, a resolution, drafted by Mr. Gandhi, was carried by the Working Committee in August, declaring that Mr. Bose was disqualified for grave indiscipline from continuing to be President of the Bengal Provincial Committee for three years.<sup>4</sup>

This incident has been treated in some detail because it illustrates so clearly Mr. Gandhi's superconstitutional authority. The three other occa-

<sup>1</sup> *Indian Annual Register*, 1939, i, 327-30, where the stormy proceedings are fully described.

<sup>2</sup> The election was made under the emergency provisions in Article XVI.

<sup>3</sup> Pandit Nehru continued, however, to attend all meetings of the Working Committee till the outbreak of war, when he formally rejoined it.

<sup>4</sup> *Ibid.*, ii, 212-13.

sions on which his wishes were rejected will be described in Chapters XVIII and XX.

It is not only in matters of policy that Mr. Gandhi uses his power. When the Congress forces the issue with the Government to the point of 'non-violent' rebellion in the form of a 'civil disobedience' movement, the executive control of it is vested in Mr. Gandhi alone. This has happened twice in the period under review. In the spring of 1940 the Congress Session at Ramgarh, confirming as usual the previous resolutions of the Working Committee and the A.I.C.G., agreed by an overwhelming majority to the initiation of a 'civil disobedience' campaign at such time as Mr. Gandhi should choose and under his sole direction.<sup>1</sup> In his closing address to the Session he accepted the post of 'General' in the coming fight and claimed complete obedience to his orders from the rank and file.<sup>2</sup>

When we march as an army, we are no longer a democracy. As soldiers we have got to take orders from the General and obey him implicitly. His word must be law. I am your General.

When Mr. Gandhi launched the campaign a few months later, he named the individual Congressmen, members of the Working Committee and ex-Ministers of Provinces among them, whose duty it was to break the law and go to prison.<sup>3</sup> The second occasion was the abortive rebellion of August 1942. In the event of the Government's rejection of the Congress demands, the Congress—to quote the resolution passed by the Working Committee on July 14—would utilise all its 'non-violent strength' and 'such a widespread struggle would inevitably be under the leadership of Mr. Gandhi'. In its confirmatory resolution of August 8 the A.I.C.C. formally 'requested' Mr. Gandhi 'to take the lead and guide the Nation in the steps to be taken', and appealed to 'the people of India' to 'hold together under the leadership of Mr. Gandhi, and carry out his instructions as disciplined soldiers of Indian freedom'. In his conversations with journalists Mr. Gandhi talked freely of his control of the coming campaign. 'My intention', he is reported to have said, 'is to make the movement as short and as swift as possible. . . . This will be the biggest struggle of my life.'<sup>4</sup>

Thus Mr. Gandhi is, to put it plainly, a dictator who supervises and, with rare exceptions, imposes his will on the operation of the Congress machine, and at a crisis takes sole command of it. And the explanation of his power is clear. Mr. Gandhi is not merely the most famous Indian of modern times: he is the maker of the Congress as it is to-day. For what gave the Congress its present strength was its conversion from a movement of the intelligentsia into a movement of the people; and that was Mr. Gandhi's doing, almost singlehanded. No other Congressman could have won more than a fraction of the Mahatma's hold on the popular imagination. If, then, he 'dominates to some extent the Congress'—to quote Pandit Nehru's words—it is because he 'dominates the masses. . . .

<sup>1</sup> *Indian Annual Register*, 1940, i, 230.

<sup>2</sup> See p. 248 below.

<sup>3</sup> *Ibid.*, 1940, i, 233.

<sup>4</sup> *Reuter*, Chungking, July 20, 1942.

and he will retain that dominating place in the hearts of the people so long as he lives, and afterwards'.<sup>1</sup> Mr. Gandhi's personality is unique, and it is generally held that the superconstitutional element which he contributes to the organisation of the Congress is not likely to outlive him. But that apparently is not Mr. Gandhi's own opinion. In January 1942 he nominated Pandit Nehru as his successor. 'Pandit Nehru', he said in the course of a characteristic speech to the A.I.C.C., 'is my legal heir. I am sure when I pass he will take up all the work I do.'<sup>2</sup> And that Mr. Gandhi contemplates his successor wielding the same sort of supreme authority as he does is evident from the appeal he made to the Indian Princes in the course of the crisis in 1942. He advised them to come to terms with him because they would be more rigorously treated after his death. By whom? Not the Congress as a whole, nor even the Working Committee. 'When I am gone', he is reported to have said, 'Pandit Jawaharlal Nehru will have no patience with you.'<sup>3</sup>

## II. UNITARIANISM

This brief account of its organisation is enough to make it clear that the character of the Congress will be misunderstood if it is regarded as a political party in the usual Western sense of the words. Congressmen, it is true, fought elections under the Act of 1919 with the label of Swarajists, but not on the same footing as their opponents: they were bent not on working the constitution but on breaking it.<sup>4</sup> The Congress, in fact, since 1920, has been a revolutionary organisation, pledged to 'peaceful' methods, but none the less revolutionary. It not only repudiates the Government by law established. It sets up, as other nationalist movements have done, a kind of rival Government, a sort of *imperium in imperio*, which commands the allegiance of a multitude of Indians and controls their political activities.

Its leaders profess the democratic faith. They hold that in national politics the will of the people, or, more strictly, the majority of the people must prevail. And they assert the right of individuals and groups within the nation to the liberties enjoyed in the free societies of the Western world. But, till the national struggle is over, till India is wholly free, these rights must be subordinated to the national need. History is strewn with the wreckage of liberal causes betrayed by the dissensions of their champions. And in a country so vast and so variegated as India any popular movement is more than usually liable to disruption on sectional or local grounds. The Congress system, consequently, is essentially a unitary system. Though the Provinces have been accepted as a territorial basis for popular representation, and though their individuality has been recognised and even emphasised by the redrawing of their boundaries on linguistic lines, their status has been strictly subordinated to that of the central authority and

<sup>1</sup> *The Unity of India*, 122.

<sup>2</sup> Meeting of the A.I.C.C. at Wardha, January 15, 1942. *Hindu*, Jan. 16, 1942.

<sup>3</sup> *Leader*, Aug. 10, 1942. <sup>4</sup> See Part I, 69.

their political activities rigidly controlled by it. The part taken, for example, by the Congressmen in the legislatures after 1922, in the Provinces as much as at the Centre, was dictated by decisions at the Session which at one time allowed them to enter the legislatures and at another time, in 1929 for instance, called them out. And the more militant and successful the nationalist movement became, the stiffer this central control. Thus, just at the time when, as described in Part I of this Report, the old unitary constitution of British India was in course of rapid decentralisation, when the Provinces were being released from the 'superintendence, direction and control' of the Central Government, the new rival constitution was becoming as highly centralised as the old had ever been and maintaining quite as firmly the Centre's 'superintendence, direction and control'—the very words are the same—of the Provinces.

If the revolutionary character of the Congress is clearly recognised, it is easy to understand the dilemma in which its leaders were put by the inauguration of the new Provincial constitution and the controversy it provoked about 'office-acceptance'.<sup>1</sup> Those leaders who ultimately prevailed were no less patriotic than Pandit Nehru and his school; but they did not believe that by accepting office they would retard the advance to the Congress' goal of full national freedom. From the revolutionary standpoint, however, there were two dangers in this policy. In the first place it implied at least a measure of acquiescence in the Act of 1935: acquiescence in the infringements of full self-government in the Provinces—in the existence of the 'safeguards', in the predetermined allocation of financial resources, in the retention of the Secretary of State's Services—not to mention the ultimate British control of the whole of the Central Government. And acquiescence, however deliberate and reserved to start with, might insensibly merge into something like acceptance of the British policy of gradual enfranchisement. Before they knew where they were, Congress Ministers might even find themselves in the same camp as the Liberals—those fainthearted friends of freedom for whom Pandit Nehru in his writings reserves his bitterest sarcasms. And the more successful Ministers were, the greater this danger would be. The more good they were able to do the Indian people, the more they would want to go on doing it.

The second danger was Provincialism. The full self-government now accorded to the Provinces was calculated to stimulate the civic sense of their electorates. They could take a new pride in Governments that were their own. But, since the Provincial Governments were the only popular Indian Governments—the Central Government being still undemocratic and unnational—might not this quickening of Provincial patriotism mean a dulling of the consciousness of Indian nationhood? And here again success would enhance the danger. A good record in legislation or administration in one Province would excite the emulation of its neighbours; in the zest of inter-Provincial rivalry the greater goal of national freedom might be

<sup>1</sup> See pp. 16-21 above.

forgotten. 'Independence itself will fade away', said Pandit Nehru, 'and the narrowest provincialism raise its ugly head.'<sup>1</sup>

Those were obvious dangers, but there was a simple way of guarding against them—the rigid maintenance of Congress unity. Hence the policy adopted by the 'high command', a dictatorial policy, but a logical policy for men who were still revolutionaries, still denied the validity of any constitution made by Act of Parliament, still demanded the right to make one of their own. The new Provincial system, they held, must be absorbed into the old Congress system. The new Provincial Governments must be deprived of the freedom with which the constitution endowed them and fitted firmly into the unitary organisation of the Congress.

The manner in which this policy was carried out will be described in the next chapter. It was signally successful, so successful that before the end it had begun to provoke a reaction. There were occasional signs that Ministers were growing restive under the Working Committee's control: their submission, indeed, might not have been so complete as it was if they had not known that the wishes of the 'high command' were in the last analysis the wishes of Mr. Gandhi. The same applies to the rank and file of Congressmen. It is doubtful if allegiance to any other Congress 'sovereign' could have checked the growing impulse to resent the interference of outsiders in the domestic affairs of Provinces now governed by their own provincials. As it was, Pandit Nehru was constantly lecturing Ministers and their local followers on the supreme necessity of unity as the means to national freedom. There was 'a grave risk', he told them at the outset, 'of our getting involved in petty reformist activities and forgetting the main issue. . . . We are apt to be misled by the illusion that we possess power. . . . It is manifest that the Congress is more important than any Ministry. Ministries may come or go, but the Congress goes on till it fulfils its historic mission of achieving national independence for India.'<sup>2</sup> In the spring of 1938 he wrote to Mr. Gandhi expressing his uneasiness at the conduct of the Ministries. 'They are trying to adapt business far too much to the old order and trying to justify it.'<sup>3</sup> And his opinion was reflected in a passage of a resolution passed at the Tripuri Session in March 1939, declaring that Provincial autonomy affords no scope for the 'self-government and growth which independence alone can give, and its capacity for good is being rapidly exhausted'.<sup>4</sup> It seems probable that to such a wholehearted revolutionary as Pandit Nehru the final resignation of the Ministries came as a great relief. It was obviously easier to maintain a united front in opposition to the British Government than in co-operation with it, however partial or reserved.

Yet the Provincialist reaction, such as it was, had not gone far enough: by the autumn of 1939 to endanger the success of the unitary policy.

<sup>1</sup> See p. 12 above.

<sup>2</sup> *Ibid.*, 106.

<sup>3</sup> *The Unity of India*, 60, 65, 76.

<sup>4</sup> *Indian Annual Register*, 1939, i, 340.

Broadly speaking, the Congress leaders had achieved their purpose. They *had* absorbed the new Provincial constitution into the Congress system, and thus to a great extent prevented it. It had been framed on the basis of Provincial Autonomy and Responsible Government, the first being conceded in the first instance in order to facilitate the second. But neither of those two principles was allowed to operate as it was meant to operate. Freed from the control of the legitimate Centre, the Provinces were subjected to far closer and stricter control by the Congress Centre, and responsible government, as intended by the Act, so far from being facilitated, was thereby made impossible. For Ministers were only in form responsible to the majorities of the legislatures elected by the people: in fact they—and the majorities too—were responsible to the Working Committee and the Parliamentary Sub-Committee. No secret was made of it. Pandit Nehru publicly stated it when the Congress Governments had been only a few months in office. Writing in November 1937, he said:

What is the responsibility of the electorate? That electorate plumped for the Congress candidates, not because of their individual merits, but because they represented the Congress and its programme. Nothing could be clearer than this. The vote was for the Congress. . . . It is to the Congress as a whole that the electorate gave allegiance, and it is the Congress that is responsible to the electorate. The Ministers and the Congress Parties in the legislatures are *responsible to the Congress and only through it to the electorate*.<sup>1</sup>

It might, perhaps, have been foreseen that this kind of twist would be given to the constitution. It was not unnatural, nor indeed unprecedented. In all democracies parties organised on a national basis are likely to be connected to some extent with local politics. In Britain parties working in the field of local government have become more and more closely associated with national parties. In all federations but one the national parties are concerned to a greater or less degree with the government of the federal units. Ever since the creation of the American Commonwealth, the elections to the State legislatures have been fought almost exclusively by the two great national parties and mainly on national issues. 'The whole machinery is worked', wrote Bryce, 'exactly as if the State were merely a subdivision of the Union for electoral purposes.'<sup>2</sup> The situation in Canada was roughly the same as long as the two old parties monopolised the field, and, when new parties came into being, they too were constituted as national, not Provincial parties. In Australia, similarly, State elections are fought by national parties; but it is worth noting that, while in each State the Labour 'caucus' imposes on Labour Ministers and members of the legislature the same sort

<sup>1</sup> *The Unity of India*, 82. Italics not in the original. The Ministers in the Central Provinces who refused to resign when the Premier and two other Ministers resigned (see p. 124 below) took the view 'that resignation of a Minister in a Congress Government was not an individual matter and, whatever the constitutional position might be, their allegiance was to the Congress'. (*Ibid.*, 100, footnote: italics not in the original.)

<sup>2</sup> *The American Commonwealth* (London and New York, 1928), i, 574.

of control as that exercised by the Congress 'high command' in the Congress Provinces, it is a State, not a Commonwealth, 'caucus': it is, indeed, a remarkable feature of Australian politics that, though its interests in each State are broadly the same, the Labour Party has not so far succeeded in exercising its united national power within the States. Switzerland is an exception. There only are federal politics disassociated from those of the units. Politics in the Cantons and at the Centre are conducted on different issues by different parties.

It is clearer now than it was in 1937 that the precedents set by most other democracies were bound to be followed in India. The circumstances, indeed, were more conducive in India than anywhere else to the domination of local by national politics. In other federations State parties preceded national parties: the latter were the result of federation. But in India, as has often been observed, the process, still incomplete, of establishing a federation has been the reverse of the process as it has operated elsewhere. It has been a matter of dissolving a unitary system into a number of autonomous units, not of bringing units already autonomous into a federal combination. Naturally, therefore, Indian parties have grown up on a unitary or national basis. Nor was it a question of national parties absorbing Provincial parties. The Unionist Party in the Punjab and the Justice Party in Madras were the only substantial Provincial parties in existence in 1937. In all the non-Congress Provinces there were many rival groups whose interests were dominantly or exclusively local, some of them so small as scarcely to deserve the name of party; but in the Congress Provinces such groups were very few and counted for little: the Congress and, at a long distance behind it, the Moslem League occupied the field. And it should be observed that the League is as unitarian in purpose as the Congress. If its 'high command' has not succeeded in controlling the non-Congress Governments to the same extent as the Congress 'high command' has controlled the Congress Governments, it has not been for lack of trying. It will be seen in forthcoming chapters that the growth of the League's power in India at large has meant a corresponding increase in its interference and influence in Provincial affairs.

There is another thing which has fostered the supremacy of national parties in India—the fact that the overwhelming majority of the population in every Province consists of poor and uneducated peasantry. There are 'interests' in the United States, notably the farmers', which cover more than one State, but none of them is nation-wide, and, broadly speaking, 'nearly all the questions which come before State legislatures have nothing whatever to do with the tenets of the national parties'.<sup>1</sup> But in India the advancement of the peasantry is not only the most urgent need; it is the universal need. Two results have followed. First, though the Congress has been primarily interested in the attainment of national independence and in questions such as defence and tariff policy which can only be dealt with nationally, it has been scarcely less interested in social reform, a subject



allotted from the outset to the Provincial authorities. Secondly, since the need for reform and for roughly the same kind of reform was universal, it was simple and logical for the Congress leaders, in such matters as tenancy, indebtedness and education, to lay down lines of policy for all their Provincial Ministries and legislatures to follow.

Unitarian control, then, was natural, inevitable, and relatively easy for the Congress to exercise. Nor was it undesirable *a priori* or in itself. But, exercised, as it was, so stringently and potently, it had certain undesirable results. In the first place, by making the Provincial Governments and legislatures directly responsible to the 'high command' and only indirectly to the people, it weakened to some extent—or would have done so if it had lasted longer—the power of responsible government to fulfil its primary purpose. From the time when the policy of 'the progressive realisation of responsible government in British India' was first announced in Parliament, its purpose had always been that which the authors of the Announcement ascribed to it—the political education of the people.<sup>1</sup> That the people should understand that the character and conduct of their Government can be determined in the last resort by their votes and on that understanding learn to cast them wisely—that is the British democratic faith. In a Congress Province the elections to the legislature determined a good deal: they determined that the majority should be a Congress majority, pledged to the execution of the Congress programme. But thenceforward the dominating factor was not the Provincial electorate but the super-Provincial 'high command'. British responsible Governments are under no control save that of Parliament and public opinion. In all they do they need consider only their existing majority in the House of Commons and the electorate which in due course will call them to account. The Congress Governments, on the other hand, and the Congress members of the legislatures likewise, were required in all they did to answer to the 'high command' and 'only through it to the electorate'. Even the supreme act of resignation was imposed on Ministries and their supporters from outside, and above: it was not prompted by the pressure of public opinion in any Province. It thus became clear that the threads which had linked the Congress politicians with the electorate at the time of the elections had been cut. Ministers and legislatures had become not the 'servants of the public', but the servants of the Working Committee. Nor does it meet the case to argue that the ultimate authority was the same. It is one thing for Ministers to be responsible to the Congress operating through the Working Committee and quite another thing for them to be responsible to the Congress operating through the votes of its members at Provincial elections. The basis of popular power had been shifted and the educative force of its exercise had been weakened. In so far as popular control existed at all, it was now vested in the primary Congress members of each Province, who elect the Provincial delegates who share with the delegates of all the other Provinces

<sup>1</sup> See Part I, 55.

in electing the President who nominates the members of the Working Committee. The elections of the delegates are often hotly contested, but they can scarcely be compared as a means of political education with the parliamentary elections. The issues at the former are at once too narrow and too broad. Congressmen only fight with Congressmen: non-Congress arguments cannot be heard. And the functions of the delegates go so far beyond the local matters which most nearly interest the mass of voters that any real sense of control on their part must necessarily be blurred. If the new constitution were to work as it was meant to work, the Provincial electors might learn in time that it rests with them in the long run how well or ill the laws of the Province are framed and executed; but would they be likely to learn it, politically backward and inexperienced as they are, from the indirect and complicated Congress system of ministerial responsibility?

There was another drawback to Congress unitarianism, a much more serious drawback and of more immediate practical importance. The control established by the Congress 'high command' virtually nullified Provincial autonomy and so completely undermined the federal principle on which the Act of 1935 was based. Yet it was the federal principle which most students of Indian politics, outside the ranks of Congress at any rate, had come to regard as the only key to the solution of the two major problems of Indian nationhood—the communal problem and the problem of the States. The theory that a sort of balance might be established between Moslem-majority and Hindu-majority Provinces was implicit in the Nehru Report of 1928. While its authors repudiated the 'novel suggestion' that the Moslems 'should at least dominate in some parts of India', they recommended that the almost wholly Moslem North-West Frontier Province should be given full Provincial status and that overwhelmingly Moslem Sind should be detached from Bombay and become a separate Province.<sup>1</sup> In the course of the subsequent constitutional discussions from which the Act of 1935 emerged, the idea that federation would to some extent relieve the Moslem minority from the weight of the Hindu majority in India as a whole became explicit. But to that end it was obviously necessary for the Provinces to be conceded as much autonomy as possible, and at each stage of the debate the Moslems, backed by the other minorities, demanded the maximum application of the federal principle as against the unitary principle favoured by the Hindus.<sup>2</sup> The Act was a compromise, but on the whole it was more federal than unitary, and it provided a very substantial measure of Provincial autonomy. But the 'parallel' Congress Centre had gone behind the Act and destroyed this autonomy. The effect on Moslem opinion was profound. Even with full Provincial autonomy, it had never been easy for the Moslems to reconcile themselves to a 'balance' of four Moslem-majority Provinces to seven Hindu: and it made it no easier if those seven were to be welded into a solid Hindu block—and to most Moslems that is what Congress control

<sup>1</sup> Part I, 89-90.

<sup>2</sup> Part I, 116, 129, 138.

implied. Nor was it only the autonomy of the Congress Provinces that was violated. The control of the Congress 'high command' extended to Congressmen in the non-Congress Provinces. Moslem-majority Governments, therefore, would be unable to come to terms with their minorities on a Provincial footing: the Hindus could rely on the intervention and moral support of an all-India organisation. And, finally, the prospect of any kind of federation seemed darker now to Moslems than it had before. For the Congress 'high command' had shown that, however loose the federal tie might be, however wide the autonomy of the Provinces in law, the intentions of the constitution could in fact be contravened and a federal system converted, by unconstitutional but none the less effective means, into something like a unitary system. The same arguments applied *a fortiori* to the States. Provincial autonomy was the corollary of State autonomy. Only on a fully federal basis, only with the minimum of Central control, could the Princes be expected to combine of their own free will with British India to constitute one Indian nation.

### III. TOTALITARIANISM

The Congress system is not only highly unitarian: it is also, to use a word with which the world has become grievously familiar, totalitarian. In many ways, of course, this Indian form of one-party dictatorship is very different from the forms it has taken in Europe, but the principle is the same. Since 1920 the Congress has claimed to be the sole authentic champion of Indian freedom. It professes to represent, and alone to represent truly, all the nationalists of British India whatever their community or faith. It also backs the cause of the peoples of the States, and it has even asserted a kind of right to represent their Rulers.<sup>1</sup> As its leaders' abuse of their Liberal fellow-countrymen shows, no Indian is regarded as a patriot whose opinions differ from the Congress creed.<sup>2</sup> India can only be freed by the Congress and only in the Congress way.

Nor did it seem difficult to Congressmen—in 1937 at any rate—to secure the acquiescence of the varied elements of Indian society in this totalitarian doctrine. The claim that there could be only one authentic national movement seemed in their view to reflect the underlying unity of India which had shown itself, they argued, throughout her long history and would be given a new reality and force by the withdrawal of British rule. Pandit Nehru expounded this thesis in a remarkable article on 'The Unity of India' which was published in an American journal at the beginning of 1938<sup>3</sup> and gave its name to a volume of the Pandit's

<sup>1</sup> See Mr. Gandhi's declaration at the Round Table Conference: Part I, 124.

<sup>2</sup> A striking example of this was afforded by the fate of Mr. C. Rajagopalachari (Congress Premier of Madras from 1937-9) in 1942. In February of that year, as it happened, he had publicly defended the Congress against the charge of totalitarianism and of aiming at a Congress Raj. 'The Congress', he said, 'is open to people of all sorts of opinion ranging from the nationalist moderate up to the Communist' (*Hindu*, Feb. 12, 1942). But, when in the course of the following summer, he himself differed from the policy of Mr. Gandhi and the Working Committee, he was condemned for 'disobedience' and only escaped 'disciplinary action' by resigning his membership of the Congress. (See pp. 289-90 below.)

<sup>3</sup> *Foreign Affairs*, Jan. 1938, pp. 281-43.

essays in which it was reprinted later in that year. India, he admits at the outset, is a vast country, and its problems, therefore, are 'continental'. There is variety and diversity, but 'the tremendous and fundamental fact of India is her essential unity throughout the ages'. 'Foreigners have invaded India and influenced her life, yet 'always they have been absorbed and assimilated'. With this cultural unity the idea of political unity persisted from the earliest times, and, as soon as the requisite means were available, namely a modern system of transport and communication, it was realised. These developments 'synchronised' with the coming of the British to India and enabled them to make India a political unit. 'It was a unity of common subjection', and it 'gave rise to the unity of common nationalism', demonstrated by the success of the Congress movement. Today 'the forces working for Indian unity are formidable and overwhelming, and it is difficult to conceive of any separatist tendency which can break up this unity'. And this applies not only to local or sectional, but also to communal, interests. 'There is no religious or cultural problem in India. What is called the religious or communal problem is really a dispute among upper-class people for a division of the spoils of office or of representation in a legislature. This will surely be settled amicably wherever it arises. . . . In India to-day no one, whatever his political views or religious persuasions, thinks in terms other than those of national unity.'<sup>1</sup>

If Pandit Nehru, who expounds the political philosophy of the Congress with almost as much authority and influence as Mr. Gandhi expounds its ethics, could publish such opinions in 1938 in the face of what was then happening in India, it is not surprising that the totalitarian doctrine was enforced with unflinching confidence in 1937. Hence the most striking difference in the working of the new constitution in the two groups of Provinces. In all the non-Congress Provinces the Governments were coalitions of a sort, and in most of them the basis of power was constantly shifting. Minority opinion counted. A Moslem-Congress coalition was canvassed in Bengal. In Assam the influence of the Congress minority became so strong that presently there was a Congress Premier and something like a Congress Government. Even in Sind, where Congressmen are relatively only a handful, successive Governments had to shape their policy largely on Congress lines. Only in the Punjab has the Congress failed to make its weight felt. But it was a different story in the Congress Provinces. Their Governments were all pure Congress Governments. There was no question of coalitions. Minorities were out of the picture. And this, as has been said before, was logical. The constitution was being appropriated by the Congress system. The Governments were being regimented with the revolutionary 'Congress Government'. Necessarily, therefore, their complexion was pure Congress.<sup>2</sup>

It is true that pure party Governments are the rule in the United States

<sup>1</sup> *The Unity of India*, 11-26.

<sup>2</sup> On this question see pp. 110-12 below.

and were, till recently, the rule in Britain. But the essential difference is that they have varied. Democrats have succeeded Republicans, Liberals Conservatives. Even 'National' Governments have not ventured to claim immortality. But after the triumph of 1937, at any rate, it seemed that the Governments of the Provinces in which the Congress had a safe majority would always be Congress Governments. And, when the revolution was complete, when that rival Government of all India mounted its predecessor's throne, that too would be a Congress Government. Pandit Nehru has suggested that, when the Congress has fulfilled 'its historic mission of achieving national independence for India', it 'might well cease to exist. Its task will be done.'<sup>1</sup> But revolutionaries have always found it difficult to relinquish the power they have won; and on another occasion Pandit Nehru frankly identified self-government with Congress government. 'The power to mould our country's destiny is not ours yet', he wrote. 'There is no *Swaraj* or Congress Raj.'<sup>2</sup> The same assumption was implicit in Mr. Gandhi's warning to the Princes in 1938 that the Congress was likely in the near future 'to replace the Paramount Power'.<sup>3</sup>

That Congress Governments, unlike those of the Western democracies, regard themselves as 'national' in a full, exclusive and permanent sense was illustrated by two small matters which otherwise would have had little significance. The first was the hoisting of the Congress tricolor on buildings under the management of local authorities when the Congress Governments came in. No doubt that novelty was mainly introduced as a challenge to the old *régime*, a repudiation of the Union Jack. But it was also a challenge to all minority parties; and the Moslem League replied by hoisting the Star and Crescent above it. On one occasion four flags were flying on the same building in the United Provinces; on another occasion in the Central Provinces there were five. The second matter was the opening of proceedings in the legislatures by singing *Bande Mataram*, a patriotic song which the Congress had adopted as its and therefore the national anthem. Again, no doubt, though no one had suggested the singing of 'God Save The King', the impulse was revolutionary. The song had been banned from time to time under the old *régime*. To sing it was a symbol of emancipation. But again it challenged the minorities, and this time more provocatively, since some of the verses of *Bande Mataram* can be taken to exalt Hinduism at the expense of Islam. Moslem members accordingly walked out. The song was then cut down by order of the Working Committee to its first two verses which contained nothing that could offend Moslem sentiment.<sup>4</sup> But the Moslem members still walked out. Finally the song was dropped, and so also was the flying of the tricolor on public buildings. Both demonstrations had been too hastily conceived. The reaction to them had shown that the Congress monopoly of nationalism was at any rate disputed.

<sup>1</sup> *The Unity of India*, 75.

<sup>2</sup> *Ibid.*, 68.

<sup>3</sup> See p. 173 below.

<sup>4</sup> An English translation of *Bande Mataram* is given in Appendix II, p. 322 below. An account of the song and explanation of its use will be found in *Indian National Congress, 1886-7* (Allahabad, 1938), 75-7.

Another provocative phenomenon was the number of triumphant ovations accorded to the Congress leaders. Occasional party exuberance of this kind is a common and natural feature of democratic politics—there are still Englishmen living who can remember Mr. Gladstone's Midlothian campaign—but, for some time at any rate, it seemed to be becoming an habitual recreation in the Congress Provinces. 'Special trains,' writes a thoughtful Hindu student of politics, '“profuse” garlanding, unhorsed carriages, beflagged cars, mass receptions, civic addresses and tumultuous processions may be alright on rare occasions such as can scarcely arise more than once in a decade. But when they become frequent, they are clearly out of accord with democratic principles.'<sup>1</sup> And he goes on to point out the latent moral danger both to the leaders and to their followers. But what of those many members of the public who belonged to neither of those classes? The minority parties, it seemed, were not to be allowed to forget the harsh fact of their defeat.

Significant, too, and of much greater practical importance was the question of Hindi, the Hindu form of that Hindustani language which the Congress wants to be used instead of English as the *lingua franca* of all educated Indians. The Congress Governments refrained from making this a major issue in northern India where it would have excited the fierce opposition of the Moslem champions of Urdu, the other form of Hindustani. As it was, there was much resentment among Moslems at the official preference accorded to Hindi,<sup>2</sup> and the association of the *Vidya Mandir* educational scheme with the teaching of Hindi was one of the reasons for the Moslem attack on it.<sup>3</sup> Only in Madras was Hindi set in the front of the Congress programme; and, when Mr. Rajagopalachari issued an order making Hindi teaching compulsory in some classes of secondary schools in which the mother-tongue was mainly Tamil or Telugu, it was stormily and obstinately opposed. Though more than 900 persons had been arrested and convicted for disorder, the agitation was still afoot when the Ministry resigned. In this case, however, the opposition was not Moslem. It was a revolt against the Congress by the non-Brahmin Justice Party who used the dispute to rally their forces from their disaster at the polls.

But the most striking exhibition of totalitarian mentality was afforded by the attitude of Congressmen to the public and to the public services. Everywhere they made it clear that they were now the ruling class. Young Congressmen in the villages lorded it over their neighbours. Many Congressmen nursing a grievance or wanting a job seem to have regarded themselves as entitled to the Government's assistance and pestered Ministers or members of the legislature accordingly. All the committees of primary party-members, great and small, became *quasi*-official organs overnight. The 'shadow' Government had materialised. It was the same with the

<sup>1</sup> Beni Prasad, *The Hindu-Muslim Questions* (Allahabad, 1941), 160-1. This book by the Professor of Politics at Allahabad University is one of the most penetrating and objective studies of the communal problem so far made by Indian writers.

<sup>2</sup> See p. 186 below.

<sup>3</sup> See p. 190 below.

civil services, especially with the police. The Congress had long made a practice of recruiting a police force for special purposes such as keeping order at the annual Session and at other mass meetings, and during the 'civil disobedience' movement it had in some places established its own courts. When the Congress Ministers took office, attempts were made here and there to divert the administration of justice from the regular channels. Congress police-stations were set up in some districts, and Congress police tried to anticipate the regulars in the investigation of crimes. In general administration, too, the leading Congressmen in the countryside conducted themselves as if they were the official delegates of the Provincial Government. 'Nothing was too petty', reports a Governor in a sympathetic account of the difficulties his Ministers experienced in their early days of office, 'nothing was too petty, too local, too palpably groundless not to justify, in the eyes of the small local leaders, a reference direct to the centre over the head of the district administration.'<sup>1</sup> These activities again were partly inspired by the spirit of revolt against the old régime—the Congress distrust of the Secretary of State's Services in particular will be discussed in the next chapter—but there was more than that in it. It took time, to begin with, for Congressmen to realise the extent to which the British Government was surrendering its power, and even when it was clear that all the Services were in fact as much at the command of Congress Ministers as at that of their predecessors, they were still suspect, and their Indian members at least as much as their British, for the simple reason that they were not Congress Services composed entirely of Congressmen. The Congress, in other words, was unwilling to admit the difference between servants of a party and servants of the Crown.

Another example of this attitude of mind was the expansion of the rural development scheme—for promoting sanitation, education and better methods of cultivation among the peasantry—taken over from the old régime in the United Provinces. The Province was organised in divisions under superintendents and in districts under local committees, and training camps were set up for minor officials. It was entirely a public enterprise, financed by Government: yet the head of the organisation, the Rural Development Officer, and most of the other officials appointed were Congressmen, and the training camps, it was reported, were schools of politics rather than of agriculture. Not unnaturally the scheme was hotly attacked by Moslem members of the legislature as a misuse of public funds for what—in their view at any rate—were party purposes.

Lastly, and most disquieting, a beginning was made with the creation of a Congress army. The idea seems to have been first publicly mooted by Mr. Bose in his presidential address at the Session in February 1938; and there can be little doubt that he, at any rate, was thinking of a Congress army mainly as a weapon against 'British imperialism'. Little response was accorded to the proposal except in the United Provinces, but there

<sup>1</sup> Sir Harry Haig, *Asiatic Review*, July 1940, p. 426.

it was keenly taken up. The Provincial Committee, the most 'leftward' and self-assertive of all the Provincial Committees, set up a 'Military Department' which boasted a plan of raising by 1940 a Provincial force 500,000 strong (including 10,000 women) and of encouraging similar action in other Provinces with a view to the enrolment of a great 'National Army'. An Officers' Training Camp was opened, and invitations to attend it sent to other Provinces. Bodies of men were soon to be seen in *quasi*-military guise, marching and drilling, armed with *lathis*, wearing their uniform, flying their flag. But the operation of the scheme did not keep pace with its authors' design. Only some 25,000 volunteers had been enrolled when the Congress Ministry resigned. The movement made no progress in most of the other Congress Provinces.

All these activities were the natural outcome of the Congress creed—the creed of revolutionary one-party nationalism. But many of them were 'unofficial' and not initiated by the 'high command'. When, indeed, they aimed at 'parallel government' by means of parallel services, civil and military, they were embarrassing. For they clashed with the policy of absorbing the Provincial Governments into the Congress system. In so far as that policy worked, 'parallelism' lost its meaning. What was the use of 'shadow' institutions to those who now controlled the substance of them? What was the point of the Provincial Congress Committee in the United Provinces declaring itself to be a 'Parallel Government' when the Government it paralleled was a pure Congress Government? To anyone, moreover, who knew what had happened in Italy and Germany, there were obvious dangers in the emergence of half-baked 'paramilitary' formations, armed or at least half-armed, drilled but not well disciplined, and without any effective centralised control.

Mr. Gandhi and the Working Committee set themselves, therefore, to check or to regularise the 'parallel' movement. In September 1938 the Working Committee passed the following resolution:

It has come to the notice of the Congress that Congress Committees interfere with the ordinary administration . . . by seeking to influence officers and other members of the Services. The Congress advises Congressmen not to interfere with the new course of administration.<sup>1</sup>

In June 1939 another resolution, framed by the Working Committee and carried by the A.I.C.C., was aimed at a bigger target—in particular, it may be guessed, at the United Provinces Provincial Committee.

In administrative matters the Provincial Congress Committee should not interfere with the discretion of the Ministry. . . . In matters of policy, if there is a difference between the Ministry and the Provincial Congress Committee, reference should be made to the Parliamentary Sub-Committee. Public discussion in such matters should be avoided.<sup>2</sup>

<sup>1</sup> *Indian Annual Register*, 1938, ii, 282.

<sup>2</sup> *Ibid.*, 1939, ii, 357.



A similar attempt was made to bring 'unofficial' activities under the control of the 'ordinary' administration. The official character of the Rural Development Scheme in the United Provinces was reaffirmed. The original Rural Development Officer was replaced by a member of the Forest Service; an advisory board was set up with the Minister of Justice in the chair; and the district committees were reconstituted to include all the local officials concerned with rural development as well as laymen. Unofficial police activities were likewise discouraged. If additional police were needed to cope with the growing tension, they should, it was said, be Government men. The United Provinces Assembly suggested for this purpose the establishment of a 'Civic Guard'. The military movement was more difficult to handle, especially as it accorded with the younger generation's desire, which in itself could only be commended, to undergo some form of military service. The Government of Bihar declared its intention of establishing a training school for military teachers, under a retired regular officer, with a course of instruction based on the Sandhurst syllabus. Mr. Gandhi's proposal was more far-reaching and original. He appropriated the idea of a great voluntary army and transmuted it. He appealed for a 'Peace Army', pledged to combat communal disorders and all other forms of lawless violence by 'non-violent' methods. But the response was disappointing. A few 'brigades' were enlisted here and there, but not an army, not even as many thousands as joined the more militant organisation in the United Provinces.

On the whole, the 'high command' may be said to have done what it could to temper the exuberance of its followers and subject their activities to unitary control. But the harm had been done. Congress policemen might fade out, Congress soldiers might be regularised, but their existence could not be forgotten by Indians who were not Congressmen. It was the same with those ceremonial gestures. The 'national' flag was furled, but it had flown. The 'national' anthem was hushed, but it had been sung. And there was no means of undoing the worst harm that had been done by the monopolistic Congress creed—the worst because it was its simplest, most natural and most widespread manifestation. No non-Congress villager in a Congress Province is likely to forget the way those young Congressmen walked down the street.

The reaction to Congress totalitarianism was not felt only in the Congress Provinces. Behind the present fact of Congress government therein lay the further prospect of Congress government all over India—a government which in matters affecting the country as a whole would control not only the Provinces in which the Congress was in a majority but also those in which it was in a minority. For, just as the Congress claimed to be the sole authentic representative of the revolt against British rule, so the Congress, it seemed, was to be its sole inheritor. When Pandit Nehru spoke of a 'Congress Raj', those were by no means idle words. If the Congress

had its way, the new constitution, on which the all-India Government of the future would rest, was to be framed on the principle of 'majority rule'. The summoning of a Constituent Assembly for that purpose had long been one of Pandit Nehru's main ideas. It had figured in the Congress programme for some years past; it was mentioned in the election manifesto in 1937; and Pandit Nehru frequently asserted that it was the ultimate objective of the Congress Ministries. It was not 'to work the constitution in the normal way', he said, that Congressmen had taken office: it was 'to stultify the constitution and prepare the ground for the Constituent Assembly and independence'.<sup>1</sup> The project was formally expounded by the Working Committee at the end of 1939 and adopted at the ensuing Session in March 1940. The Assembly should be elected 'on the basis of adult suffrage', the minorities being represented in accordance with their numerical strength and by separate electorates if so desired. 'This Assembly can frame a constitution in which the rights of accepted minorities would be protected to their satisfaction, and in the event of some matters relating to minority rights not being mutually agreed to, they can be referred to arbitration.' This method of a Constituent Assembly, said the Working Committee, is 'the only democratic method of determining the constitution of a free country, and no one who believes in democracy and freedom can possibly take exception to it'. The Assembly, too, 'alone is the adequate instrument for solving the communal and other difficulties'.<sup>2</sup>

This was a straightforward scheme, in strict accordance, as Congressmen persistently explained, with the 'logic of democracy'. But non-Congressmen were more concerned with the practical results of the scheme than with its logic; and, considering the ignorance and inexperience of the vast majority of voters under adult suffrage, considering the unequalled canvassing power exercised by the network of the Congress organisation all over India, and considering its triumph at the elections of 1937, it seemed probable that the Congress would obtain a clear majority in the Assembly, and certain that it would constitute by far the strongest party in it. No doubt, the offer of arbitration was a valuable concession to the minorities: it would certainly help them to obtain their rights on minor issues. But the major issues would not be arbitrable. No court could be asked to determine, for example, whether the Moslems were a 'nation' or a 'community' or to weigh the merits of Pakistan.<sup>3</sup> In face of arithmetic, in the country at large and in the Assembly, could anything prevent the new constitution being framed mainly on Congress principles, and the preponderant share of power in the legislature and executive organs established by the constitution falling into Congress hands? To the minorities, at any rate, the 'logic of democracy' meant something very like a 'Congress Raj'. The government of all India—so it seemed to them—would be run on the same lines and

\* <sup>1</sup> *The Unity of India*, 61.

<sup>2</sup> *Indian Annual Register*, 1939, ii, 298; 1940, i, 229. *Constituent Assembly for India* (London, 1942) of Mr. N. Gangulee, a wholehearted supporter of the project, contains a useful description of past Constituent Assemblies in Europe and overseas.

<sup>3</sup> See Chapter XVII.

controlled in the last resort by the same little group of people as the present government of the Congress Provinces.

In one respect it is more understandable and excusable that totalitarianism should have grown up in India than elsewhere. For the Congress in 1937 was incomparably the largest political organisation in the country. The Moslem League was then a relatively small body with only a limited influence even among Moslems. The Hindu Liberals, always a small, if select, society, had scarcely any influence at all. Only in Congress circles were politics well-organised, vitalised, constructive. Both in weight of numbers and in strength of purpose the Congress movement was unquestionably the dominant political movement in India at that time. But in another respect totalitarianism seems even less excusable in India than in Germany or Italy. For to set a party above the people, to identify its organisation with the State, is to override the minority problem. And, as the political development of India has borne witness at each of its successive stages, the minority problem is far more difficult in India than in any European country. It cannot be overridden, and it has been the nemesis of Congress totalitarianism that the attempt to override it has made it a greater obstacle than it has ever yet been to attaining the Congress goal of a free and united Indian nationhood.

## CHAPTER XI

### THE CONGRESS GOVERNMENTS: I. THE CONSTITUTIONAL MACHINE

For the purposes of this Report it is unnecessary to examine separately the political record of each of the Provinces in which the Congress was in a majority. Since their Governments and legislatures were not only inspired by the same party principles, but were more or less effectively controlled by the Congress 'high command', executive and legislative policy in the various Provinces followed the same main lines. The *régime*, therefore, though there were differences, of course, in the character and conduct of the Governments, can best be described as a single and more or less uniform *régime*, illustrated by events in this or that Province.

#### I. THE MINISTRIES

In the course of the discussions from which the Act of 1935 was evolved it was generally agreed that the main minority communities, particularly the Moslems, ought to be and in fact would be represented in the Provincial Ministries. The authors of the Simon Report believed it would prove to be inevitable in some Provinces and dictated by expediency in the others.<sup>1</sup> When the question was debated at the Round Table Conference, several minority spokesmen urged that the representation of minorities in the Ministries was so essential that it would not be sufficient to instruct the Governors to do their best to bring it about: it should be a statutory obligation. 'Minorities', said Mr. Muhammad Ali, 'should feel that the Government is their Government and that they have a part in the administration of the country. Therefore this provision . . . should be part of the constitution itself.'<sup>2</sup> Hindu speakers took the same line as the Simon Report. 'No wise Chief Minister', said Sir C. P. Ramaswami Aiyar, 'will forget an important minority community, because, unless he gets the minorities to support him, he may not find it possible to run the Government.' But to impose minority representation by a clause of the Act might endanger the accepted principle of the joint responsibility of Ministers; for it would be difficult, if not impossible, for them to feel jointly responsible unless their association were voluntary and wholehearted.<sup>3</sup> There was a similar discussion in the Minorities sub-committee. It was agreed that 'the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution', but there was the same dispute as to how it could be achieved.<sup>4</sup> In the upshot the opinion of the Simon Report and the Hindus prevailed. Nothing was said on the subject in the Act, but the Governors

<sup>1</sup> See Part I, 104.

<sup>2</sup> *Indian Round Table Conference*, Nov. 12, 1930—Jan. 19, 1931 [Cmd. 3778], 313-14.

<sup>3</sup> *Ibid.*, 318.

<sup>4</sup> *Ibid.*, 334.

were told in their Instructions on the one hand that their Ministries should include 'so far as practicable members of important minority communities' and on the other hand that they must 'bear constantly in mind the need for fostering a sense of joint responsibility' among their Ministers.<sup>1</sup>

The view expressed in the Simon Report and at the Conference that minority representation in the Ministries would come about almost as a matter of course was clearly based on the belief that no single party would be strong enough to do without minority support. But this was belied by the result of the elections. In five Provinces the Congress obtained clear majorities. In two others they only needed the support of one or two sympathetic groups. Broadly speaking, therefore, there was no necessity for the Congress to come to terms with minority parties, not even with the strongest of them, the Moslem League. There was no bar to the application of the totalitarian doctrine that the best representatives of the minorities were to be found in the Congress ranks. The 'high command' accordingly decided that there should be no Congress-League coalitions. In the non-Congress Provinces no offers to join a Ministry should be accepted by Congressmen. In the Congress Provinces the Ministries were to consist entirely of Congressmen. Thus, when the leaders whom the Governors invited to form Ministries in the Congress Provinces submitted their list of names, there was at least one Moslem in every list save one,<sup>2</sup> but, except two, who were persuaded to change their allegiance, none of those Moslems was a member of the League. The Governors were in a difficult position. Except in the case of a few individuals and constituencies, it was clear that Moslem Congressmen were not supported by the majority of Moslem electors. But the Governors had not been instructed to secure the inclusion in their Ministries of *representatives* of minority communities; but only *members* thereof. Their Instructions, moreover, had not been concerned with minority representation only. The Ministries were 'collectively to command the confidence of the legislatures'; and since the Ministries submitted to them were the only Ministries available which satisfied that test, apart from the further question of joint responsibility, the Governors could do nothing but acquiesce.

The effect of the 'high command's' decision to form pure Congress Ministries was most clearly seen and most severely felt in the United Provinces. Of all the Provinces in which the Moslems are in a minority, that is the one in which they are strongest. They only number about 16 per cent. of the population of the Province as a whole, but in the urban areas the proportion is considerably higher, and the communal loyalty of the intelligentsia, nourished at the Moslem University at Aligarh, is stiffened by the local traditions of the Mogul age. Out of the 228 seats in the Provincial Assembly 64 are reserved for Moslems chosen by separate Moslem electorates. At the polls in 1937, 26 of those seats were won by the Moslem League, 28 by the Independent Moslems, 9 by the National Agricultural

<sup>1</sup> Full text, Part I, 186.

<sup>2</sup> The exception was Orissa, where the number of Moslems is negligible.

Party, and only one by a Congress Moslem. Only one of the seats won by the League was uncontested. In at least 20 of the 25 contests the League's majority was substantial and in several cases overwhelming.<sup>1</sup>

There was no great difference, as has been seen,<sup>2</sup> between the electoral programmes of the Congress and the League, and the leaders of the latter had agreed to fight the elections in the United Provinces on a more or less common platform. It was understood that they expected, in the event of a joint victory, to be allotted two places in the Ministry.<sup>3</sup> But, when the results were known, there was a hitch. The League, it appeared, would be admitted to the Ministry only on terms, and, after lengthy discussion behind the scenes and in the Press, these terms were communicated to the Provincial League leader, Mr. Khaliq-uz-zaman, not by the presumptive Premier, Pandit Pant, but by Maulana A. K. Azad, a Bengali Moslem member of the Congress Parliamentary Sub-Committee. They were as follows.

-The Moslem League group in the United Provinces Legislature shall cease to function as a separate group.

The existing members of the Moslem League Party in the United Provinces Assembly shall become part of the Congress Party, and will fully share with other members of the Party their privileges and obligations as members of the Congress Party. They will similarly be empowered to participate in the deliberations of the Party. They will likewise be subject to the control and discipline of the Congress Party in an equal measure with other members, and the decisions of the Congress Party as regards work in the legislature and general behaviour of its members shall be binding on them. All matters shall be decided by a majority vote of the Party; each individual member having one vote.

The policy laid down by the Congress Working Committee for their members in the legislatures along with the instructions issued by the competent Congress bodies pertaining to their work in such legislatures shall be faithfully carried out by all members of the Congress Party including these members.

The Moslem League Parliamentary Board in the United Provinces will be dissolved, and no candidates will thereafter be set up by the said Board at any by-election. All members of the Party shall actively support any candidate that may be nominated by the Congress to fill up a vacancy occurring hereafter.

All members of the Congress Party shall abide by the rules of the Congress Party and offer their full and genuine co-operation with a view to promoting the interests and prestige of the Congress.

In the event of the Congress Party deciding on resignation from the Ministry or from the legislature the members of the above-mentioned group will also be bound by that decision.<sup>4</sup>

To the published statement of these terms Maulana Azad appended a short note.

It was hoped that, if these terms were agreed to and the Moslem League group of members joined the Congress Party as full members, that group would cease to exist as a separate group. In the formation of the Provincial Cabinet it was considered proper that they should have representatives.

<sup>1</sup> *Return showing the Results of the Elections in India, 1937*, Cmd. 5589, pp. 62-5. For subsequent by-elections, see Appendix VI, p. 388 below.

<sup>2</sup> See pp. 13-14 above. <sup>3</sup> *Leader*, July 13, 1937. <sup>4</sup> *Pioneer*, July 30, 1937.

These documents speak for themselves. They show that in the first action taken by the Congress leaders under the new constitution, in their first move in the field of parliamentary politics, there was nothing of that spirit of compromise without which parliamentary government cannot be expected to work successfully or long. The logic of 'majority rule' was to be strictly enforced. The Congress would form no coalition with a minority party. If League politicians wanted a share in government, they must join the Congress and submit to the control of Congress bodies in all of which the Moslem members would be in a minority: If this ultimatum were accepted, it was frankly hoped, and with good reason, that the League would cease to exist. It is not surprising that Mr. Khaliq-uz-zaman, backed by Mr. Jinnah, rejected it.

When the United Provinces Ministry was ultimately formed, it contained two Moslem members out of six. One of them was the Congress Moslem who had won a seat. The other had been elected as a supporter of the League, and, his acceptance of office being criticised, he resigned his seat and was re-elected by a large majority over a League opponent. In the Central Provinces the single Moslem Minister similarly abandoned the League in order to hold office, but in that case there was no new election. In Bombay, no Congress Moslem having won a seat in the Assembly, a Moslem Independent subscribed to the Congress programme and became a Minister. But very few Moslem politicians thus surrendered to the Congress. On the contrary the refusal of its 'high command' to share their power with the League marked the beginning of a reaction among the bulk of politically-minded Moslems against the idea of a 'Congress Raj' which was presently to make the League a more powerful force throughout Moslem India than it had ever been before.<sup>1</sup>

With one exception—that of the Central Provinces—to be recorded presently, the Congress Ministries maintained their internal stability and their hold on the legislatures during the twenty-seven months they were in office. The quality of their personnel was uneven. Of the Premiers one was outstanding in ability and strength of character—Mr. C. Rajagopalachari of Madras. Next to him ranked Pandit G. B. Pant of the United Provinces. With one or two notable exceptions the calibre of the somewhat elderly ministerial rank and file was not high, the Moslems being, as a general rule, the weaker brethren. It would have been higher if the Congress had put all its weight into the new Provincial Governments, but leading politicians in several Provinces, such as Dr. Rajendra Prasad in Bihar, Mr. Vallabhbhai Patel in Bombay, and Pandit Jawaharlal Nehru in the United Provinces, preferred to keep their places in the super-Provincial 'high command'.<sup>2</sup>

In the early days of their career most of the new Ministers—and their

<sup>1</sup> See Chapter XVII.

<sup>2</sup> There was one woman Minister, Mrs. Pandit, a sister of Pandit Nehru. She had charge of the Department of Local Self-government and Health in the United Provinces.

official subordinates—were working under peculiarly arduous conditions. In the first place, Ministers had committed themselves to a heavy programme of reform both by legislation and in the conduct of the executive machine, and they were naturally anxious to press on with it as quickly as possible. For many months the lights in their various departments were burning well into the night. Secondly, they were not only embarrassed by the impulsive attempts of the party organisations all over the Provinces to share in the task of government; they were also beleaguered by individual Congressmen who likewise thought themselves entitled to a share of power, however small, or imagined it to be a Minister's duty to remedy the personal grievances or advance the personal prospects of any loyal Congressman. Lastly, and more excusably, the country folk in some Provinces showed at the outset of the new *régime* a naive and rather tiresome curiosity. They had been told that the Government was now at last *their* Government, and they wanted to have a look at it. At Lucknow, the capital of the United Provinces, they thronged the streets, gazed with a dubious sense of ownership at the public buildings, scrutinised the lobbies and lavatories of the Assembly house, and even penetrated the sacred precincts of the Secretariat to see what *their* Ministers were doing. Under all these circumstances it is remarkable that Ministers—and the officials again must not be forgotten—endured the strain as well as they did.

The procedure of the 'Councils of Ministers', to give them their legal title, was broadly in accordance with British Cabinet practice except in one respect. The King, of course, has long ceased to attend Cabinet meetings in Britain; so have his representatives in the Dominions. But both in Britain and in the Dominions responsible government has been long established, and, when it was first introduced in the Colonies, the Governors continued for some time to preside over their Executive Councils. Similarly, in all the Indian Provinces, though Ministers frequently met alone, at practically all meetings of the Councils as such, *i.e.* for all their official work, the Governors presided. There was some difference of opinion at the outset as to whether this procedure was desirable on principle, but in practice it was soon proved to be of no small use, for it enabled Ministers to draw on the Governor's experience of administration, and it also made it possible for matters which might involve the Governor's 'special responsibilities' to be discussed and adjusted at an early stage.

## II. THE LEGISLATURES

In the Congress Provinces as in the others there was never any doubt as to the aptitude of the members of the legislatures for the conduct of business on the British parliamentary model. But it was usually a duller affair than in Bengal, for example, or the Punjab. The Ministries were in no danger of defeat; they were backed in all their Provinces by substantial and in some by overwhelming majorities, and rifts were not permitted in



the ranks thereof. On some issues, on agrarian reform for instance, Congressmen were by no means agreed; but such controversy and compromise as this involved went on behind the scenes. Congressmen only moved such amendments to Government bills as Government had previously accepted.

In most of the Congress Provinces the Congress members of the legislatures loyally submitted to their Ministers' leadership in accordance with the usual operation of Cabinet government. In Bombay, however, the Congress members asserted their independence and succeeded in imposing on the Government a measure of control only less effective than that imposed by the 'high command'. This development was unwelcome to the minorities, since the Congress members of the Assembly were not as a whole so intelligent or reasonable as most of the Bombay Ministers. The same sort of thing might have happened in the United Provinces if the left wing of the Congress party in the legislature had had its way, and it needed all the pressure the 'high command' could exert behind the scenes to keep those radicals in order.

A good illustration of party discipline was afforded by the self-denying ordinance adopted in the United Provinces. In order to get their bills through as quickly as possible, private Congress members surrendered their right to speak. This was a businesslike plan, no doubt, but it tended to make the debates somewhat more mechanical than they would otherwise have been; for it only meant that Opposition speakers took a relatively larger share in them, not that they exercised more influence on their result. Small attention was paid to minority opinions or amendments, and, though the Opposition was never muzzled, there was a growing tendency among Congress members to resent criticism and show impatience with it. In this, as in some other respects, Madras was a little different from the other Congress Provinces. Though the Congress majority there was greater than anywhere else and the small and disunited Opposition more disheartened, Ministers showed more readiness to consider its opinions. It was given more seats on select committees than its numbers warranted, and several of its amendments to legislation were accepted in committee. Possibly for that reason, the debates in the Assembly attracted an unusual amount of public interest. The galleries being crowded out, loud-speakers were erected to enable people to listen outside the building.

In the legislatures as a whole, however, the weight of the Congress majorities was bound not only in some degree to rob the proceedings of the normal parliamentary interest and vigour, but also to make the minorities feel that the part they played was virtually of no account. If Ministers had been confronted with formidable Oppositions and so forced to fight hard for their bills and even to make concessions in order to carry them, it would have been different. As it was, they were not made aware of the need for compromise, nor induced to moderate their conduct by the reflection that the benches opposite were occupied by members of a 'Shadow Cabinet' who might possibly take their place in office after the next election. Hence

Congress government was not really government by discussion but simply government by 'majority rule', and the meaning of that was driven home in all its rigour. If the Congressmen made full use of their opportunity, if they put through a remarkable number of measures in a remarkably short time, they did it at a price. The mere fact of their strength and their success widened the gulf between them and the minorities.<sup>1</sup>

### III. THE 'SAFEGUARDS'

Cabinets and legislatures functioned. The machine revolved and did its work. But there was still in the background the cardinal question as to the intentions of those who were in charge of it—a question which had remained unresolved in the Congress election manifesto. Was it possible to work the constitution for the execution of the programme of social reform to which the Congress had pledged itself at the polls and at the same time to 'combat' that constitution and 'seek to end it'? Ministers had been ordered to do both. Of their eagerness to do the first there was no question, and the measure of their success was bound to influence their opinion on the second, and conceivably the opinion of the 'high command' as well. If they discovered that, after all, the responsible government ostensibly provided by the constitution was genuine, that in fact they were the rulers of their Provinces, might they not come to the conclusion that the Provincial part of the Act at any rate was not so intolerable as it had seemed?

The first signs were not unfavourable. All the Congress legislatures sooner or later passed resolutions against the Act of 1935; but they did not condemn it root and branch. They only denounced the scheme of federation. Nor was there much practical importance in the repudiation of titles or in the hoisting of the Congress flag on municipal buildings or in the singing of the Congress 'national anthem' in the legislatures. The practical questions were the relations of the Ministries first with the Governors and secondly with the members of the Indian Civil Service and the Indian Police. If the constitution was to be 'combated', these were the obvious points of attack. For those Governors, still responsible in general to the Secretary of State and equipped in particular with overriding powers, and those all-India Services, still under the ultimate control of the Secretary of State, personified, so to speak, the surviving elements of the British Raj.

As regards the Governors the attitude of the Congress 'high command' was soon made clear. Though they presided over their Cabinet meetings, Ministers were not to regard them as friendly collaborators but as political opponents. To mark the gulf and keep it open all Ministers were forbidden

<sup>1</sup> Twenty-seven months, in only a fraction of which the legislatures were in session, is too short a time for any valid judgment to be passed on the utility of the second chambers. Most of the Congress Provinces (not Orissa, the Central Provinces and the N.W.F.P.) possessed them. A well-argued justification of the second chamber in Bengal will be found in the *Triennial Report on the Working of the Bengal Legislative Council and the Administration of the Council Department (1937-40)* by the then President of the Legislative Council, Mr. Satyendra Chandra Mitra (Bengal Government Press, Alipore, 1940).

to attend ceremonies at which their Governors were present or to have any social intercourse with them. But these gestures of hostility proved ineffective. In some Provinces the orders were disobeyed despite the protests of more rigid Congressmen, and Ministers who did obey them were known to have done so with reluctance. As time went on, the relations of Ministers and Governors in all or almost all the Congress Provinces became steadily easier and friendlier. When finally they parted, it was certainly not as enemies.

Meantime, and at an early stage, the issue of the 'safeguards' had come to a test. One of the first objectives listed in the Congress electoral manifesto had been the removal of all the restrictions on civil liberty which British 'imperialism' had imposed and the release of its victims, the 'political prisoners', then in jail. How these questions were handled by the non-Congress Ministries has been recorded in previous chapters. As was to be expected, the Congress Ministries were more thorough-going. Orders under the existing restrictive legislation were cancelled, bans on Communist and other associations lifted, securities deposited by newspapers refunded, prosecutions stayed and withdrawn. In most of the Provinces, however, the old powers of 'repression' were kept in being, and, as will be seen in the next chapter, Ministers were presently obliged to use them. But in Bombay the special Emergency Powers Act of 1932 and in Bihar and in Orissa the Public Safety Act of 1930 were repealed.<sup>1</sup> In the North-West Frontier Province the Public Tranquillity Act of 1932 was allowed to expire at the end of its five-year life. The release of 'political prisoners' seemed also an easy enough matter in most of the Provinces, if only because there were relatively few of them. In Madras the last was freed in February 1938, and in Bombay in June. But in February 1938 there were still fifteen in jail in the United Provinces and twenty-three in Bihar, and some of them were on 'hunger-strike'. The left wing of the Congress had pressed from the first for the immediate release of all the 'political prisoners' whatever their record; but, since such a drastic measure might involve the Governor's 'special responsibility' for preventing 'any grave menace to the peace or tranquillity of the Province or any part thereof', the two Governors had come to a working agreement with their Premiers under which each case was considered on its merits. Most of the prisoners had already been released under this arrangement, but now Pandit Pant, apparently under pressure from the 'high command', advised the immediate and wholesale release of the fifteen still in jail, and similar action was taken by his colleague in Bihar. This raised an issue which concerned other Provinces, and more gravely. For the most numerous 'political prisoners' and those of the most violent character were not in the United Provinces or Bihar or in any Congress Province, but, as has been seen, in Bengal and in the Punjab. In both those Provinces, one of them contiguous with Bihar and the other with the United Provinces,

<sup>1</sup> Bombay Act XVI of 1938. Bihar Act IV of 1939. Orissa Act I of 1938.

there was persistent agitation for release. In both some of the prisoners were 'hunger-striking'. Convinced that a wholesale release in the two neighbouring Congress Provinces would seriously affect the situation, the Governor-General held that it was more than a Provincial question and that he must use the power given him by the Act of 1935 for 'preventing any grave menace to the peace or tranquillity of India or any part thereof'.<sup>1</sup> Accordingly he instructed the two Governors not to concur in their Premiers' recommendation, and thereupon the Ministries resigned.

It was probably no accident that the 'safeguards' issue had thus been brought to a head on the Congress side on the eve of its annual Session which opened in the latter part of February at Haripura. Thither the ex-Ministers at once proceeded, and for some days it was debated whether the area of dispute should be widened by 'calling out' all the Congress Ministries. This was clearly what the left wing wanted, but it was confronted by the unmistakable desire of most Congressmen that the experiment of 'office acceptance' should not be abandoned. Those who had always favoured it had been confirmed in their opinion by the experience of the last six months. Madras, Bombay and the Central Provinces were evidently not anxious to share the fate of the United Provinces and Bihar. Moderate counsels therefore prevailed. Mr. Gandhi, who had himself at an earlier stage taken part in negotiations with the Governor of Bengal on the basis of 'progressive release', declared that all that was needed was an assurance that the Governors were not attempting to usurp the powers of their Ministers. The Governor-General, for his part, explained that the Governors still desired to carry on the 'progressive' policy. Thereupon the ex-Ministers withdrew their resignations. The crisis was over.

These events were variously interpreted; but the truth seems to be that, in so far as it was a trial of strength between the critics and the champions of the constitution, neither side was wholly victorious. The Governor-General had upheld the validity of the 'safeguards' and maintained the principle of 'progressive release'—which was, in fact, of much greater importance in Bengal than in any other Province.<sup>2</sup> The Congress on its side had forced its general policy of release to the front, and, to judge by the sequel, had secured an acceleration of the 'progressive' process. In the United Provinces twelve of the fifteen prisoners were freed within a month and the other three by the end of March. In Bihar ten were released immediately and all but one by the middle of March. But the outstanding lesson of the crisis was the defeat of the Congress left. Could it now be said that the majority of Congressmen—and the Congress Ministers in particular—were really trying to combat the Provincial constitution and seeking to end it?

There is no other case on public record of the formal use of the over-riding powers in the Congress Provinces; but it may be taken for granted that the fact that Governors possessed them was of major importance in

<sup>1</sup> S. 126 (5).

<sup>2</sup> See pp. 31-4 above.

discussions between them and their Ministers. There must have been several occasions, particularly in the earlier months of the new *régime*, when Ministers, not as a deliberate policy, but owing to lack of administrative experience or under pressure from their supporters, wanted to do things which involved the Governors' 'special responsibilities'. Sometimes, no doubt, they were overruled, but more often, it may be assumed, they were convinced that their proposals were unwise or persuaded to acquiesce in the Governor's opinion without bringing the dispute to the point of a formal recommendation and a formal overruling. The 'safeguards', in fact, seem to have operated in the sort of way it had been hoped they would when the new constitution was being framed.<sup>1</sup> The minorities, however, and particularly the Moslem minority were by no means satisfied. The latter's claim that the 'safeguard' which chiefly affected them failed to achieve its purpose will be discussed in Chapter XVII.

Little use was made of the overriding power in legislation. The vast majority of the dozens of bills submitted to them were signed by the Governors without demur. Several were reserved for consideration by the Governor or the Governor-General, but only four were ultimately vetoed, two of them in the North-West Frontier Province. The rest were returned with proposed amendments which the legislatures accepted.<sup>2</sup>

The Governor's power to legislate by ordinance in his discretion was never used in the Congress Provinces. The case in Sind in 1939 is the only one on record.<sup>3</sup>

#### IV. THE SERVICES

The relations of Ministers with the Secretary of State's Services may be said to have followed, broadly speaking, the same course as their relations with the Governors. It has sometimes been asserted in England that the real rulers of the country are not the politicians but the permanent officials in Whitehall; and in view of the wider powers exercised by officials, especially those of the I.C.S., in India it was not perhaps unnatural that Indian nationalists should have imagined when the transfer of power began in 1919 that it would be hampered and its reality undermined by an unsympathetic and reactionary attitude in official quarters. But in 1937 the situation was by no means the same. In the first place the fears of 1919 had been proved to be unfounded. The loyalty of the Superior Services to their Ministers under dyarchy, the genuine efforts they made to make the system work, were generally acknowledged. Secondly, the process of Indianisation had been greatly accelerated since 1919 as the result of the recommendations of the Lee Commission.<sup>4</sup> In 1938, of the members of the I.C.S. serving in the Provinces 490 were British and 529

<sup>1</sup> See Part I, 144-6, and p. 21 above.

<sup>2</sup> Assent was refused by the Governor-General to the United Provinces Employment Tax Bill of 1939 and the Madras Estates (Orissa Amendment) Bill of 1938. The Madras Agency Rules (Amendment) Regulation was also vetoed by the Governor-General. The two N.W.F.P. bills were vetoed by the Governor.

<sup>3</sup> See p. 69 above.

<sup>4</sup> See Part I, 82.

were Indian.<sup>1</sup> On the other hand the gulf between the Congress politicians and the official corps was wider now. For the Congress had been in violent opposition to the Government since the great revolt in 1921; from time to time, indeed, it had been at open war with it in the form of 'civil disobedience'; and in the course of the conflict some Congressmen who were now Ministers and many of their supporters had been denounced, arrested and imprisoned by the very men on whom they must now mainly depend for the good administration of their Provinces. Nor did Indianisation help in this respect. It might well be more difficult, indeed, in some ways for Indian officials to work with Congress Ministers than for British officials.

The position at first was distinctly uneasy. In some Provinces Ministers seem to have found it hard to conquer their distrust of the police. Public vituperation of them at Congress meetings, which had been common form when the Congress had been in opposition, was still for a time permitted to continue, though the Congress was now in power. Another disquieting factor was the Ministers' desire that the pay and allowances of the all-India Services, admittedly a heavy charge on Provincial revenues, should be reduced to harmonise with the reductions planned for the Provincial Services. But, when it was known that the Secretary of State would not favour such proposals, they were not pressed. Relations improved as time went on. As will be seen in the next chapter, the maintenance of law and order proved by no means an easy task, and the need of Ministers, on the one hand, for all the help and advice they could get, and the firmness they ultimately showed, on the other hand, in dealing with lawlessness, made possible the growth of mutual confidence between them and the police. It was the same with the I.C.S. Ministers seemed increasingly to recognise the value of the British members of the Service particularly in districts where communal tension was high.

The official corps for its part was subjected to a considerable strain at the outset. Its work was greatly increased by the inexperience of its new political chiefs and their parliamentary secretaries. They constantly interfered in the details of administration, and sometimes tried to 'short-circuit' departmental procedure by issuing executive orders direct to individual officers. The preparation and passage of new social measures added to the burden of work, and the release of the 'political prisoners' did not lighten it. Officials were also harassed in the earlier days of the new *régime* by the claims of private members of the Congress and by the revival of some of the forms of 'parallel government' which had been a marked feature of the 'civil disobedience' movements. It was disconcerting to find Congress politicians in the country districts assuming that they were as real and as important a part of the administrative system as the District Officers themselves. As has been recorded in the preceding chapter, a genuine attempt was made to check these irregular tendencies;

<sup>1</sup> The higher officials in the Secretariats with whom Ministers were in closest contact were still mostly British.

and by the time the Ministries resigned most members of the Services had come to feel that, though the character of administration under their new political chiefs could not be the same as under their old official ones, Ministers needed them and for the most part trusted them, and that the work they had tried to do for India was still worth doing.<sup>1</sup>

It may be said, then, that neither in their relations with the Governors nor in their relations with the Secretary of State's Services did Ministers really 'combat' the constitution or 'seek to end it'. In neither case did they try, as they could have tried, to make the position impossible. For the time being they acquiesced in the survival of that residue of responsibility for Indian government which was still vested in Parliament, though it was precisely that residue which the Congress spokesmen had previously denounced as rendering the constitution intolerable.

#### V. UNITARY CONTROL

It might be assumed from what has so far been said that, apart from the lack of real coalition Governments, the new constitutional machine was working in the Congress Provinces more or less as the authors of the Act of 1935 had intended. But in fact this was by no means the case. As has been explained in the preceding chapter, the operation of the whole political machine was directed by a super-Provincial authority—the all-India Congress 'high command'. The election programme was framed by the Working Committee and presented in identical form in every Province. Congress electors were bound to vote for the approved Congress candidates. Congress members of the legislatures were required to follow their leaders, and with rare exceptions they did so. And their leaders, the Ministers, were subjected to an equally strict control. Premiers were not free to settle the composition of their Cabinets as they chose. At the time when the 'high command' agreed to the acceptance of office, it established a Central Control Board which was to take part in the distribution of ministerial appointments, each member of it being given a group of Provinces to supervise. Similarly, after the Ministries had been formed, a Premier could not dismiss an old colleague or choose a new one without consulting the superior authorities. It was the same with the conduct of Government business. Important declarations of policy were drafted, like the electoral programme, by the Working Committee, and usually took the form of identical resolutions. Legislation in fulfilment of the programme was made as uniform as different conditions in different Provinces allowed. Both in the management of these measures

<sup>1</sup> The Provincial Services have not been dealt with in this chapter since, being recruited and controlled by the Provincial Governments, their position does not raise the constitutional issue so directly as that of the Secretary of State's Services. After some controversy the Congress Ministries recognised that the reductions of pay, etc., which they imposed could not apply to existing members of the Services but only to future entrants. The morale of those Services has probably been affected in some degree by political pressure, but this trouble would presumably right itself in course of time provided that the same political party were not permanently in office.

in the legislatures and on all important administrative questions Ministers were expected to consult the Working Committee or its Parliamentary Sub-Committee, and usually did so. If they did not, a representative of the 'high command' intervened and decided what should be done. Even their departmental appointments were sometimes subject to the arbitral authority of the Central Control Board. The whole system, in fact, was a remarkable example of political unitarianism.

There was one Congress Province in which this control by the 'high command' was less firmly exercised than in the others. The North-West Frontier Province is in several respects unique. It is, to begin with, overwhelmingly Moslem: Hindus and Sikhs together number only 7.6 per cent. of the population: over 92 per cent. are Moslems, intensely conscious of the fact and contemptuous of other creeds and ways of life. It is, next; politically the least experienced of the Provinces, less even than Sind, since, while the Sindis shared, as far as they were able, in the constitutional progress of Bombay, the Frontiersmen did not even enjoy the dyarchy system of 1919 till 1932.<sup>1</sup> Not many years ago their 'politics' were confined to the traditional rivalries and quarrels of the khans or *quasi*-feudal landowners whose influence has only lately been contested by the growth of an educated middle class. Lastly, like Assam at the other end of Northern India, but more so, the North-West Frontier Province stands aloof from the main stream of Indian life. The Frontier is a thing by itself, its Pathans are a singular people, and they resent the intrusion of outsiders into their affairs. Hence, while many of them were ready to join in the nationalist movement, they were not really nationalists. They were not thinking of the freedom of India: they were mainly out to pick a quarrel with their own Frontier Government.

It was their common challenge to the established order which brought the Pathan agitators and the Congress into alliance. The 'civil disobedience' movement in other parts of India was paralleled on the Frontier by the 'Red Shirt' movement, and the two movements were deliberately woven together. The Red Shirt leader, Abdul Ghaffar Khan, kept in close touch with Mr. Gandhi and became one of his most devoted followers. Red Shirts thus shared with Congressmen in the conflict with the Government and in the stern repression it involved in the days of the Simon Commission,<sup>2</sup> and at the time of the Round Table Conference they found in the Congress the warmest sympathy with their claim for the constitutional advancement of their Province. Finally, when the new Act came into force, they fought and won the elections in the name of the Congress: their parliamentary leader, Dr. Khan Sahib, brother of Abdul Ghaffar, became one of the Congress Premiers, and his Ministry, in which there were three Moslems and one Hindu, one of the Congress Ministries. The title of Red Shirt fell out of use. Congress became the watchword.

<sup>1</sup> See Part I, 102 and 119, note 2.

<sup>2</sup> See Part I, 111.



The Ministry adopted the Congress programme of agrarian reform, as indeed did the non-Congress Ministries in a greater or less degree, and the Province was represented on the Working Committee by Abdul Ghaffar Khan.<sup>1</sup> But, if the association with the Congress organisation was thus more than nominal, it was less close than in the other Congress Provinces. It had been founded only on the revolutionary principle, and it was not connected by common doctrines or ideas. Very few Pathans could be called 'Congress-minded'. The gulf, indeed, between Mr. Gandhi's philosophy and the outlook of the average Pathan could scarcely be wider. The principle of 'non-violence' is almost unintelligible on the Frontier where most men carry firearms and the maintenance of the blood-feud is still regarded as a sacred duty.<sup>2</sup> When Mr. Gandhi visited the Province, he protested against being escorted wherever he went by armed guards. As for the *charka* or spindle, the use of which is second only to 'non-violence' in Mr. Gandhi's creed, the Pathans regard it with contempt. Spinning, they say, is women's work, and Abdul Ghaffar Khan's attempts to run camps for spinning and other forms of manual labour were practically laughed out of court. While red shirts began to go out of fashion after 1937, their place was not taken by the white 'Gandhi cap' which is worn by multitudes of Congressmen all over the rest of India, but is regarded by Pathans as an alien and unseemly headgear. Lastly, the Congress party on the Frontier differs from its followers in other Provinces in its communal make-up. It is almost wholly Moslem. The Red Shirt movement was started by Abdul Ghaffar Khan for religious as well as social reform; the Red Shirts called themselves *khudai khidmatgaran* or 'Servants of God'; and by becoming Congressmen they did not become less zealous Moslems.<sup>3</sup>

That last fact is the reason, though at first sight it may seem paradoxical, for the weakness of the Moslem League in the Province. Its name was unknown on the Frontier not many years ago. After the 1937 elections it succeeded in combining some of the little Opposition groups into a Moslem League Party and in course of time it won one or two by-elections. But it remained relatively weak, and, apart from the lack of funds and leadership and the custom of the khans to determine their political allegiance simply by antagonism to their traditional rivals, this weakness was due to the fact that, as a communal organisation, it was not needed. The League is essentially on the defensive—it is strongest in the Provinces in which Moslems are in a minority—and on the Frontier Islam needs no defence. The idea that Hindu politicians might control the destiny of the Pathans would be greeted not so much with anxiety as with derision.

In all these circumstances the Congress 'high command' could not apply to the North-West Frontier Province the dictatorial methods it freely

<sup>1</sup> He resigned in 1942 and Dr. Khan Sahib took his place.

<sup>2</sup> In 1939 a Red Shirt leader was murdered by some other Red Shirts in pursuance of a blood-feud. The murdered man's brothers at once went and shot an old relative of the murderer's in broad daylight.

<sup>3</sup> The relative weakness of the Congress 'high command's' authority in the N.W.F.P. was shown by the almost complete lack of response to its call in August 1942. See p. 301 below.

used elsewhere. It was naturally proud of its hold on the Province and naturally made the most of it as a proof of the Congress' non-communal character; but, just because of the communal factor, it was none too safe a hold. Mr. Gandhi visited the Province twice in 1938. On the first occasion he received a great popular welcome, but mainly, it was noticed, from Hindus. Little interest was taken in his second visit. Pandit Nehru also toured the Province in 1937 and again in 1938. He, too, was given a great reception on his first public appearance at Peshawar, but the result of both his visits was to give a fillip to the Moslem League. It was easy enough to arouse suspicions that the distinguished visitors were interfering in local politics, and they were not only outsiders, they were Hindus. Though, therefore, Dr. Khan Sahib was certainly subjected to pressure by the 'high command' from time to time, he was able to resist it, and there was no such close and constant interference in administration as in other Congress Provinces. But, though he had consistently maintained a greater measure of independence than any other Congress Premier, he bowed with the rest—very reluctantly, it is believed—to the final order to resign.

The conduct of the 'high command' in the Central Provinces may be set beside its conduct in the North-West Frontier Province by way of contrast. Interference in the latter was kept to a minimum: in the former the most drastic interference seemed imperative for the simple reason that that particular Province was the one Congress Province whose political record was unquestionably discreditable.

Of all the great territorial units of British India the Central Provinces, with its appendix, Berar, is the most artificial from a racial or linguistic standpoint; for it yokes together a Hindi-speaking area in the north and east, known as Mahakoshal, with a Marathi-speaking area in the south and west, known as Maharashtra. The existence of this division is in itself a compelling reason for unity within the Government; yet from the outset Dr. Khare's Cabinet of six was rent by internal disputes. The Premier's two ablest Congress colleagues, Mr. Shukla and Mr. Misra, both came from Mahakoshal, the Congress stronghold. The Premier himself came from Maharashtra; and, veteran Congressman though he was, he was not fully trusted by the 'high command'. He had been willing, indeed, to take office when the new constitution was introduced and had had to be firmly called to order. He was kept, therefore, under close surveillance from Wardha, the chief centre of the Congress organisation, only some 40 miles away from the Provincial capital, Nagpur, and from Mr. Gandhi's *ashram* at Sevagram a few miles farther off. Naturally the fact that his opponents in the Cabinet could count on external support did not make its proceedings more harmonious.

More serious, perhaps, than the lack of solidarity was the public disrepute the Cabinet soon acquired. The personal character of the Premier, who had abandoned a lucrative medical practice to take office, was never suspect, but the same could not be said of all his colleagues. Charges of

nepotism and corruption, of creating posts for the sake of filling them with partisans, and of even worse offences were freely bandied about. Finally the conduct of Mr. M. Y. Sharif, Minister of Law, a convert from the Moslem League, produced an open scandal. He ordered the premature release from jail of a Moslem inspector of schools who had been convicted of the rape of a young Hindu girl. The release provoked a storm of indignation, intensified by communal feeling; and, when it appeared that Dr. Khare and the local Congress Committee were inclined to try to hush the matter up, the Working Committee intervened. Though there was no doubt about the case—the conviction had been upheld by the High Court of the Province on appeal—they asked an ex-judge of the Calcutta High Court for an opinion on Mr. Sharif's act of 'clemency'. It was unfavourable, and then at last (May 1938) the discredited Minister resigned.

Meantime the dissensions in the Cabinet had worsened. Neither orders from the Working Committee nor the personal intervention of Mr. Vallabhbhai Patel availed to make peace; and finally, about the time of the Sharif scandal, the Working Committee decided to impose a settlement of its own. But Dr. Khare was not minded to leave his fate in other people's hands, and he anticipated the Committee by resigning with two of his colleagues a few days before it met (July 1938). Crisis and confusion ensued. The three other Ministers refused to resign, and, since no Premier was forthcoming, they were dismissed by the Governor (Sir Francis Wylie). Dr. Khare was then persuaded to withdraw his resignation, but, after obeying a summons to Wardha, he renewed it. Next morning he was induced to 'carry on' until the meeting of the Provincial Congress party which was to be held a few days later. At that meeting, at which the Congress President, Mr. Subhas Bose, from Bengal, was in the chair, and Mr. Patel from Bombay and other Congress leaders from outside were also present, the leadership was voted to Mr. Shukla by a great majority. Dr. Khare's name was not even submitted, and indeed, on the previous day, the Working Committee had condemned him for 'grave errors of judgment and gross indiscipline'. (He was subsequently expelled from the Congress Party for two years.) Thereupon, on Dr. Khare's formal recommendation, the Governor invited Mr. Shukla to form a Ministry.

The Working Committee denounced the Governor's part in this feverish affair as unconstitutional, but the charge was not backed by the more sober Congress newspapers, and it was soon dropped. In any case it scarcely lay with the Congress 'high command' to insist on exact obedience to a constitution the main purposes of which it was openly defying and subverting. Dr. Khare still nominally commanded a majority in the legislature. No vote of 'no confidence' was moved against his Government. He was forced out of office not by any decision in the Provincial Assembly, still less by any pressure of the Provincial electorate on its representatives, but by a decision of the Congress Working Committee adopted by the Provincial Congress party under pressure from some of the Committee's

foremost members. Was anything left, it might be asked, of Responsible Government or Provincial Autonomy?

Many instances might be given of the interference of the 'high command' in other Provinces in big matters and in small. The crisis in the United Provinces and Bihar in 1938<sup>1</sup> was forced on by the Working Committee, and, if a settlement had not been reached, there can be little doubt that the Ministers in all the other Congress Provinces would have been ordered to resign. The same all-India pressure was brought to bear on a local question in Orissa in the spring of 1938. When it was proposed, that a senior British official should be appointed to act as Governor during the latter's absence on leave, the Provincial Ministry was ordered to resign, and, both Mr. Gandhi and Mr. Subhas Bose, then President of the Congress, threatened action in all the Congress Provinces unless the proposal was dropped.<sup>2</sup> Another major question which was virtually taken out of the hands of Provincial Ministers was that of the restoration of the lands in Gujerat of which their owners had been deprived because of their refusal to pay the land-revenue in the course of the Congress agitation under the pre-1937 régime. It is common knowledge that the proceedings of the Bombay Ministry in this matter in 1938 were closely watched and regulated by Mr. Gandhi and Mr. Patel. On the outstanding communal issue the Working Committee was reported early in 1939 to have sent to Congress Ministries an 'Instrument of Instructions' as to the manner in which Moslem minorities in their Provinces should be treated. At the end of the year Mr. Patel made it known that at his instance every Congress Premier had invited his Governor to intervene without hesitation if he thought that his Ministers were not dealing correctly with minorities, and that, when Moslem complaints were renewed, he had again instructed every Premier to call his Governor's attention to the matter.<sup>3</sup>

Those were all important questions, but there were many minor points on which the 'high command' felt it needful to intervene. It ordered all Congress Ministers, for instance, as recorded earlier in this chapter, to abstain as far as possible from social contact with their Governors. It prescribed the procedure in all its Provinces, except the North-West Frontier Province, as to the hoisting of the Congress flag on public buildings and the use of the Congress 'national anthem' on ceremonial occasions.<sup>4</sup> The Working Committee even concerned itself with so small a matter as the wish of the Speaker of the Madras Assembly to go to England in the spring of 1938 to study parliamentary procedure. He was forbidden to go, though his own legislature had approved the project.<sup>5</sup>

The supreme example of control by the Central Congress authorities was the last—the order which brought the whole system of Congress government in the Provinces to an end in the autumn of 1939.

<sup>1</sup> See pp. 116-17 above.

<sup>2</sup> A general crisis was averted by the Governor giving up his leave.

<sup>3</sup> *Times of India*, Dec. 11, 1939.

<sup>4</sup> See p. 102 above.

<sup>5</sup> *Indian Annual Register*, 1938, ii, 163; *Madras Mail*, April 2, 1938.

## CHAPTER XII

### THE CONGRESS GOVERNMENTS: II. LAW AND ORDER

#### I. AGRARIAN AND LABOUR TROUBLE

CONGRESS electioneering had not only been far better organised than that of any other party, it had also been more full-blooded. The more enthusiastic or irresponsible of its canvassers had gone beyond the normal limits of democratic party propaganda in their appeal to the masses. Congress rule, they had said, would usher in a positive millennium of high wages and low rents.<sup>1</sup> There was danger in this exuberance. Practicable reforms might fail to satisfy if hopes had been raised too high. And it was natural that the peasantry should be the first to make trouble, since they had been promised most and were most disappointed at the immediate upshot. Rent, it soon appeared, was still to be collected; and tenancy reform and debt relief would have to await the lengthy process of legislation. It was natural, too, that the trouble should be worst in Bihar and the United Provinces, since 'landlordism' had long been more powerful and more oppressive there than in any other part of British India.

In Bihar the *kisans* were quickly up in arms. They staged a mass-demonstration at the first meeting of the Assembly and threatened to turn on the Congress Government the old Congress weapons of *satyagraha* and 'civil disobedience' if the promises were not redeemed at once and in full. During the autumn the agitation grew. Ringleaders' speeches became more inflammatory. Ministers were denounced as bitterly as the landlords, and moderate Congressmen, headed by the Provincial Congress Committee, broke off the alliance they had made with the *kisans* in the days before they came into power. Meantime Ministers pressed on with legislation. Their tenancy bill was carried in December 1937 and their moneylenders' bill in the following June. But the emollient effect of these measures on the temper of the *kisans* was transient. By the autumn of 1938 the agitation had become still more widespread and more violent. A notorious incendiary, Swami Sahajanand, was now in control, aided by some of the released 'political prisoners' and other members of extremist groups. India, said these fire-eaters, was on the eve of a revolution like the Russian: landlords would soon be abolished and peasant councils rule the country. By the end of the year an organised campaign of lawlessness was in full swing. Riots were frequent. Crops were looted by night or destroyed as they stood and the land ploughed up. The situation was no better in 1939. Armed police were needed to protect the spring harvesting. Rent-collection was at a standstill. In the summer bands of *kisan* 'volunteers' were marching about the country, flying red flags. That was the peak of the

<sup>1</sup> In some districts canvassers put down in their notebooks the names of individual peasants and the amount of their rent that would be cancelled if the Congress won the elections.

agitation, and in the autumn of 1939, not long before the Congress Ministers resigned, it suddenly subsided. The *kisans* of Bihar are sturdy folk, but two years' excitement seems to have been enough for them.

In the United Provinces the 'peasant revolt' was not so protracted or so disorderly as in Bihar. The chief trouble was at the outset of the new *régime*, and was mainly concerned with rent. Many of the cultivators withheld payment in expectation of the general reduction of rent which they had been given to understand in the course of the election campaign would be one of the first results of a Congress victory. So serious was the effect on the revenue that in the winter of 1937-8 Ministers were obliged to tour the country explaining the situation and insisting that current rent must be paid. If it were not, they said, they must compel its payment or resign. Discontent with tenancy conditions was also rife, and Communists, released 'political prisoners' and Congressmen on the extreme left were busy inciting tenants against landlords. Nor could the situation be quickly eased by legislation, since the Government's agrarian programme took longer to enact in this Province than in any other. Nevertheless, though violent things were said, there was little serious disorder. Payment of rent was soon resumed. A monster procession of 50,000 *kisans* invaded Lucknow on March 1, 1938, but, after listening to a speech by the Premier, it quietly dispersed. In the following autumn the temperature rose a little after Sahajanand had visited the Province. There were cases of *kisans* forcibly occupying land and of landlords forcibly ejecting them. But, when in the summer and autumn of 1939 the reform legislation was carried at last on the eve of the Ministry's resignation, there had been no upheaval as alarming as that in neighbouring Bihar. This was partly due, no doubt, to the fact that the Bihari landlords, in the south of the Province at any rate, were more rapacious and the terms of tenancy worse; but it may have been also due to the greater ability of the United Provinces Ministers and to the support publicly afforded them, in the matter of rent payment for example, by Pandit Nehru, whose influence with the mass of the people is nowhere greater than in his native Province.

In the other Congress Provinces there was a certain amount of agrarian agitation but little or no disorder. Huge mobs of peasants gathered in Bombay and Nagpur, but only to demonstrate, not to riot. It was soon evident that, in so far as the *Kisan Sabha* had become a revolutionary movement, it was not an all-India movement. It had neither the leadership, nor the resources, nor indeed, except in certain districts, a sharp enough sense of injustice to endanger the whole fabric of rural society.

Labour trouble in the Congress Provinces was, like agrarian trouble, localised. In most industrial centres the workers were discontented and restless, and often, like their compatriots in the country, with good cause. Except the North-West Frontier Province and Orissa which have no heavy industries, no Province was wholly free from strikes during those twenty-seven

months of Congress government, and in Madras and Bihar there were breaches of the peace. But the only really dangerous disturbances were in the city of Bombay and some smaller towns in the same Province and at Cawnpore in the United Provinces. Those were all strong outposts of Communism, and on each occasion the trouble was mainly due to Communist instigation, aided again by released 'politicals' and other agitators of the Left. The conflict, therefore, was not a straight issue between labour and capital: it was also a fight between extremism and democracy. For, though the sympathies of the Congress are broadly with the workers as with the peasantry, and though it has its socialist wing, it has always been anti-Communist, and just as the men who did most to stimulate the agrarian trouble were not thinking only of rent and tenure, so the men who organised and led the strikes were not only concerned with wages and conditions of work: they professed the aim and spoke the language of a violent revolution.

The first outbreak in Bombay was at Ahmadabad, where nearly 40,000 textile workers struck in November 1937. The Ahmadabad Trade Union, run by a close disciple of Mr. Gandhi and one of the parliamentary secretaries in the Provincial Government, had proved itself one of the best in India. But the Communists at once took control, and efforts were made to bring about a sympathetic general strike in Bombay city. The Congress Ministers for their part were well aware that the outbreak was as much a challenge to their authority as to the rights of the employers; and, backed by Mr. Vallabhbhai Patel, the leading Congressman of the Province, they at once took steps to strengthen the forces of law and order. Ahmadabad remained restless, but there was no rioting. Nothing serious happened in Bombay. After some weeks the Communist leaders and the millowners came to terms. Meantime a Textile Enquiry Committee had been at work, and, when it reported, recommending increased wages and other improved conditions, the Government announced its assent.

Just a year later came another crisis, and this time the attack was more directly aimed at the Congress Government. It had recently carried its Trades Disputes Bill to prevent 'lightning' strikes and lock-outs; and the Communists, declaring that the rights of labour had been violated, set themselves to organise an anti-Government demonstration which was to reach its climax in a general strike throughout the Province on November 7. Less extremist bodies, such as Dr. Ambedkar's Independent Labour Party (representing the Scheduled Castes) and the Bombay branch of the Trades Union Congress, followed the Communist lead. To all appearance this was a far more formidable threat to the Government and to the peace of the Province than anything that had happened at Ahmadabad. But on the appointed day only seventeen out of seventy-seven mills in Bombay were forced to close for lack of labour, and the response in other towns was even feebler. In the city itself there was some disorder. Mobs gathered in the streets. Traffic was dislocated. Stones were thrown at the cars in which Mr. Patel and Mr. Munshi, the Home Minister, were driving. At one point

the police opened fire, wounding eleven people, two fatally. Seventy-five other cases of injury were reported. Next day order was fully restored.

This incident had been a signal proof of the strength of the Congress Government in Bombay, and for the rest of its period of office it had little labour trouble.<sup>1</sup>

The disturbances at Cawnpore, though there also the Communists were active in promoting and directing them, were less political and their purely economic justification stronger. Labour in that important industrial centre had long been dissatisfied and bellicose, and its temper had been stiffened by the generally unconciliatory attitude of the employers. The trouble came to a head soon after the Congress Ministers had taken office in July 1937. A strike began in the cotton mills. Attempts at a settlement by the Minister for Industries were thwarted by the intransigence of the local Union, whose leaders were mostly Communists. In August the situation was becoming dangerous—the police were attacked on one occasion by a mob of strikers—when the Premier intervened and brought about a settlement. But it was only a truce. In September there was another strike, involving some 10,000 men. After a few weeks this too was settled, after Pandit Nehru had appealed to the strikers on the Government's behalf. But again there was no real peace. The quarrel smouldered on through the winter and flared up again in the spring. On May 16, 1938, 16,000 men struck, and the number rose next day to 42,000. Soon all the mills in Cawnpore were shut. As in Bombay, the Government had set up a Labour Enquiry Committee, and, as in Bombay, it accepted its Report or most of it. But the employers found fault with the Committee's methods of procedure and rejected its recommendations. A long discussion ensued between Ministers and employers until at last, in June, enough ground was yielded by the latter for a settlement to be reached. But the peace thus made at last was uneasy. The workers were sullen and restless. Agitators continued to preach revolution at the mill gates. Yet, when the Congress Government resigned, there had been no violent outbreak, and this was particularly fortunate, since trouble at Cawnpore, whatever its cause, has usually been the signal for a fierce communal conflict.

Though they played their part both in agrarian and in industrial unrest, the exponents of downright revolution seemed in this period to be playing a waiting game. They talked 'direct action', but they did not take it. Inflammatory speeches were made—the worst case was that of a terrorist ex-convict from the Punjab who preached murder and violence in the United Provinces—and revolutionary leaflets, *The War Bugle*, *The Echo of Revolution* and such like, were distributed—mainly again in the United Provinces—among university students and schoolboys. Whether as the result of this propaganda or not, the students, it was said, were becoming

<sup>1</sup> The Communists engineered a successful one-day strike on October 2, 1939, but this was an 'anti-war' demonstration and not directly aimed at the Congress Government.



increasingly restive and insubordinate, and there was a nasty incident at the Moslem University at Aligarh in January 1939, when a crowd of students, irritated (it was alleged) by the conduct of a policeman, attacked and set on fire the police camp and injured some forty constables. Nothing worse than that, however, is on record: and, while the extremists continued to attack the Right of the Congress, sparing neither Mr. Gandhi nor other members of the hierarchy, they seemed anxious to avoid a rupture with the Congress Left. The idea of a common 'popular front' was in the air.

Thus neither agrarian trouble, nor labour trouble, nor revolutionary trouble proved unmanageable. In all those fields the difficulties which the Congress Ministers had to face—in part, as has been seen, the outcome of their own ideology—were overcome. Only the last and gravest of all the dangers to peace, only communalism, was worse in the autumn of 1939 than it had been in the summer of 1937.

## II. COMMUNAL STRIFE

The first Hindu-Moslem outbreaks under the new *régime* were in the Punjab,<sup>1</sup> and for the first few months of their administration the Congress Governments had only one serious riot to deal with—at Jubbulpore in the Central Provinces. But during the winter of 1937-8 there were several clashes, most of them involving loss of life and military intervention. There was general tension when the Muharram and Holi festivals coincided in March, and destructive riots at Allahabad and Benares and again at Jubbulpore; and in April a quarrel over cards precipitated an ugly conflict in Bombay. There was calmer weather in the early summer and again in the late autumn, but in July and August there were disturbances at several places in Bihar and the United Provinces, and from the beginning of 1939 onwards the barometer fell steadily. Again the coincidence of Muharram and Holi proved dangerous, and again the worst storm-centres were in the United Provinces and Bihar. For nearly a week there was panic at Cawnpore: the police were forced to fire several times on the mob: and troops were needed to bring the fighting to an end. At Benares, too, and Gaya there was rioting, arson, looting and bloodshed. And now the tension and disorder were more widespread. The Central Provinces had a series of bad riots: a prominent Congressman was murdered in broad daylight by a mob of Moslems in Berar. The Bagr'Id festival caused a bloody outbreak in the North-West Frontier Province. Six people were killed and some fifty injured at Sholapur in Bombay, and there were two outbreaks in Madras, the Province which normally suffers least from communal violence. The catastrophe in Europe made no difference. During the last two months of the Congress Governments Hindus and Moslems were still killing each other at several places. In a riot at Meerut in the United

<sup>1</sup> See p. 47 above.

Provinces in the first week of October there were over 170 casualties, eight of them fatal.

It was in those last few months of the Congress *régime* that occurred the Khaksar invasion of the United Provinces,<sup>1</sup> which, though its object was not communal in the usual sense, was bound to increase the prevailing communal tension. For, though Inayatullah's declared intention was only to intervene in a dispute between two Moslem sects, the Shias and the Sunnis, at Lucknow, he and all his followers were Moslems, mostly from the Punjab and the North-West Frontier Province, and they were acting in defiance of a Government which was generally regarded as predominantly Hindu. In any case it was manifestly necessary to stop this incursion of a *quasi*-military body from outside into the heart of the Province. In August 1939 Inayatullah and several of his followers were arrested, and the further entry of Khaksars was banned. Inayatullah was then released, on assurances of peaceful conduct, and conducted over the frontier; but, establishing himself on its borders at Delhi, he repudiated his assurances, declared his intention of continuing his campaign, and in September crossed the frontier again. He was re-arrested and sentenced to one month's imprisonment. Meantime, in defiance of the ban, a regular invasion of the Province had been set on foot. Bands of Khaksars, some of them from 300 to 500 strong, marched into the western districts. Many arrests were made, and there was one ugly incident. A turbulent crowd of prisoners on their way to a country jail was fired on by the police guard and five of them were killed. The trouble was by no means over, the temper of the Khaksars was still defiant, and more of them were still making their way into the Province when the Congress Ministry resigned. The sequel, in which the Punjab was more concerned than the United Provinces, has already been described.<sup>2</sup>

The gravity of the communal disorder, apart from the Khaksar trouble, may be judged from the following figures. Between the beginning of October 1937 and the end of September 1939 there were 57 serious riots in the Congress Provinces as a whole—15 in Bihar, 14 in the United Provinces, 11 in the Central Provinces, 8 in Madras, 7 in Bombay, 1 in Orissa and 1 in the North-West Frontier Province. The total number of casualties was nearly 1,700, of which over 130 were fatal.<sup>3</sup>

This record would have been worse if the precautions taken by the police had not been considerably greater than in previous years. Great pains were taken, for example, and much public money spent in guarding against disorder at minor festivals which in earlier days had not been regarded as likely to cause trouble. But, if tension is acute, almost anything can cause trouble, and, in the United Provinces and Bihar especially, the most trivial incidents, like those in the Punjab recorded in an earlier chapter, are often the prelude to savage fighting. A rumour goes round a village

<sup>1</sup> See p. 49 above.

<sup>2</sup> See pp. 50-2 above.

<sup>3</sup> The figures for the non-Congress Provinces in the same period are: serious riots 28 (Punjab 17, Bengal 7, Assam 3, Sind 1), casualties about 300, deaths 86.

that beef is being cooked for a marriage feast in a Moslem's house. A Hindu boy throws some coloured water at a Moslem. A pot of stewed meat is dropped from the upper storey of a Moslem's house and slightly injures a small Hindu girl in the street below. A stray buffalo, belonging to a Hindu, tramples on a Moslem's clothes.

In all this there was unhappily no novelty. Communal strife had been all too familiar a feature of the old *régime*. But, as the period of Congress government went on, the old feud seemed, for reasons which will be discussed in Chapter XVII, to be entering on a new phase. The quarrelling was less spontaneous, more persistent, more deliberate. It was as if the two communities were lining up for a coming battle. Particularly disquieting, because of the shadow it cast on the future, was the growth of communal antagonism among the younger generation. There were fierce disputes about hoisting Congress or League flags on university buildings. Even the children became more communally self-conscious. Hindu or Moslem boys refused to attend classes at which Indian history was being taught—so they protested—with a Moslem or Hindu bias. Of the acuteness of the general tension at the time the Congress Ministries resigned there were scarcely two opinions. Indian observers agreed with British officials that Hindu-Moslem relations had never in their experience been so bad.

### III. CONGRESS POLICY

The Congress Ministers who had shouldered the task of controlling the lawlessness and disorder described in the preceding pages were bound to regard it from a different standpoint from that of any previous Government. Many of them, in the first place, had been affected by the deep impression made on Hindu minds by Mr. Gandhi's doctrine of 'non-violence'. Was force much more defensible when used by those who administered the law than when used by those who broke it? All the Congress Ministers, secondly, had themselves been law-breakers. For that, of course, they felt no sense of guilt. On the contrary, they—and their electors—were proud of it. It was the Government that had been guilty. The whole system of 'coercion'—the enactment and use of so-called 'emergency' measures which violated Britain's own tradition of civil liberty, the restrictions on the freedom of the Press and of public meetings, the methods of espionage and detection, the branding of all nationalist agitation as subversive and seditious—all these were the familiar instruments employed by tyranny to hold down a people 'rightly struggling to be free'. The dislike and distrust with which Congressmen regarded the police when they first took office have already been mentioned. It was the same with the system of 'coercion' as a whole. And it was not only hateful to them personally: it seemed to be no longer wanted in the public interest. Sedition had lost half its meaning now that the sedition mongers

were Ministers. A Government rooted in Indian soil and serving the people's will could have no use for the weapons of an alien imperialism. Communal disturbances would still, no doubt, occur from time to time and have to be suppressed; but it was part of the Congress creed that communal antagonism had been intensified by British rule and that its edge would soon be blunted under a Government which put patriotism first and pressed on with a programme of social and economic welfare for the equal benefit of all communities.

Such being the Congress ideology, an attack on the coercive system by the Congress Governments was generally expected and it was soon begun. Ministers, as has been seen, at once took up the question of releasing from confinement those who in their view had been the victims of the system. Orders were issued in some Provinces that the police should no longer secure the verbatim reports of political speeches which were indispensable for a prosecution. In most Provinces the existing bans on subversive associations and activities were lifted, and the security which the editors or proprietors of newspapers had been compelled to furnish as a guarantee of good behaviour was returned. In the spring of 1938 the Government of Bombay, emboldened by the success it had so far achieved in keeping order, carried the repeal of the Bombay Special (Emergency) Powers Act of 1932. It also contemplated, but on second thoughts postponed, the repeal (in its application to the Province) of the Indian Press (Emergency Powers) Act of 1931.

Meantime the whole question of 'coercion' had become a matter of controversy in Congress circles. The agrarian disturbances had made it clear that, if the Governments were to govern at all, they might have to use force, even against their special *protégés*, the peasantry. But it was one thing to punish acts and another to punish words; and the Congress Left was up in arms when, in October 1937, the forceful Premier of Madras ordered a prosecution for seditious speeches—quite in the manner, said his critics, of the old *régime*. It was a vital issue, and Mr. Gandhi promptly put all his great influence on the Right. 'Civil liberty is not criminal liberty', he wrote. 'It has been suggested that Congress Ministers who are pledged to non-violence cannot resort to legal processes involving punishment. Such is not my view of non-violence accepted by Congress. They cannot ignore incitement to violence and manifestly violent speeches.'<sup>1</sup> This lead was followed by the Working Committee and the All-India Congress Committee. Pandit Nehru, at that time President, contested the decision, it was said, but loyally accepted and propounded it. He reminded Congressmen, however, that they were all 'seditionists' still.<sup>2</sup>

Thenceforward the Congress Governments progressively discarded any hesitation they may have felt at the outset in using the old machinery. As disorder grew, agrarian, industrial, communal, they fought it with their predecessors' weapons, and even on occasion fashioned new ones. In

<sup>1</sup> *Harijan*, Oct. 23, 1937.

<sup>2</sup> *Hindu*, Oct. 31, 1937.

Bombay, during the communal disturbances in the spring of 1938, orders were issued (under that Press Act of 1931, which had not been repealed), prohibiting newspapers from publishing inflammatory articles, and security was demanded from the editor of a vernacular paper who had indulged in scurrilous attacks on public men, including the Home Minister. This Act was also used in the course of 1938 in the Central Provinces and the North-West Frontier Province to obtain security from newspapers, and in Madras the editor and publisher of a newspaper were prosecuted for sedition. In Madras, too, a section of the Criminal Procedure Code was used to forbid the opening of a factory during a strike, and a section of the Criminal Law Amendment Act to suppress the growing agitation against the Government's language policy in the schools. A motion in the Madras legislature to repeal the latter Act was resisted by Government and defeated. We cannot afford, said Ministers in effect, to throw away such a handy weapon till our position is more secure.

Congressmen of the Left by no means acquiesced in these developments. Their clamour, indeed, became so strong that in the autumn of 1938 the 'high command' decided to strengthen the hands of their Governments by a downright declaration. The following resolution was submitted to the All-India Congress Committee and duly carried:

Inasmuch as people, including a few Congressmen, have been found in the name of civil liberty to advocate murder, arson, looting and class war by violent means, and several newspapers are carrying on a campaign of falsehood and violence calculated to incite the readers to violence and to lead to communal conflicts; the Congress warns the public that civil liberty does not cover acts of, or incitements to, violence or promulgation of palpable falsehoods. In spite, therefore, of the Congress policy of civil liberty remaining unchanged, the Congress will, consistently with its tradition, support measures that may be undertaken by the Congress Governments for the defence of life and property.<sup>1</sup>

Faced as they now were with steadily increasing communal tension, Ministers made the most of this uncompromising manifesto; and during their last year of office there was little to distinguish the methods of repression in the Congress Provinces from those of the other Provinces or indeed of the old 'bureaucracy'. Madras still held the lead in firmness, but Bombay was now not far behind, and the United Provinces and Bihar, where Ministers had been most reluctant to abandon their ideals of individual freedom and where the forces of the Left were stronger, were coming into line. In dangerous districts magistrates and police officers were assured that, if they were compelled to take strong action to deal with a communal outbreak, they could count on the Government's support. The Press Act was in general use for fettering and punishing incendiary journalists. Speech reporting was again the rule. In some Provinces police were trained in the use of tear-gas. In the Central Provinces the device of 'punitive police'—i.e. the quartering of extra police on a particular district at the

<sup>1</sup> *Indian Annual Register*, 1938, ii, 278.

expense of its inhabitants—was employed as a corrective of communal disorder. Perhaps the most striking feature of the repressive policy as a whole was the frequent use in almost all the Provinces of Section 144 of the Criminal Procedure Code, which empowers a magistrate to issue orders forbidding either a named individual or the public at large to do a specified act which is likely in the magistrate's opinion to cause a breach of the peace. The use of this provision had been the particular bugbear of Congress politicians in the old days, yet it was now still so common as scarcely to be noticed except by watchful critics on the Left.

Thus the Congress Governments can be said to have stood the test imposed on them in the field of law and order. They had learned by experience that a country in which the great mass of the population is still so backward and ignorant as it is in India, so easily deluded and inflamed, so much more prone in particular to outbursts of religious hate and strife than in any part of the Western world—much more than in the Balkans, say, or Ulster—is not yet ready to enjoy the full freedoms of liberal democracy. And, learning that, they had not scrupled to infringe those freedoms as their predecessors had infringed them.

A few months before their resignation the Congress Governments gave a striking illustration of their determination to combat lawlessness and particularly communal disorder. While law and order was now a Provincial 'subject', it was obviously a matter on which the maximum of consultation and co-operation between Province and Province was desirable. Conspiracies could be hatched in one against the Government of another. A newspaper banned in one could resume publication in another. If agitators were too closely watched and circumscribed, they could cross the border and start afresh. Such things had usually been prevented under the old *régime* because law and order were still 'reserved' and therefore under the supervision and control of the Central Government. But now the Centre had no such powers. There was all the more need, therefore, for inter-Provincial consultation, and it was thought that this might be met to some extent by continuing the old custom of holding biennial conferences of the Inspectors-General of Police from all the Provinces. One of these conferences was due in the winter of 1938-9, and a similar conference of Provincial Inspectors-General of Prisons did in fact meet at Delhi in January, though the Governments of Bombay, the Central Provinces and Bihar refused to take part in proceedings so clearly out of harmony with the new constitutional system. Police was a more serious and controversial question than prisons, and Congress Governments could scarcely be expected to welcome the idea of their senior police officials conferring together apart from their Ministers and under the aegis of a Central authority which the Congress disavowed, conferring, too, and doubtless comparing notes with their colleagues in the non-Congress Provinces. Happily an alternative plan was soon devised, far more in accord

with the constitutional position. The Home Ministers themselves were invited to meet at Simla, and in May 1939, the Home Ministers of all the Provinces, Congress and non-Congress, or their Parliamentary Secretaries assembled there, except those of Madras, the Central Provinces and Assam. They were accompanied by their I.G.P.s (in one case a Deputy I.G.P.) as technical advisers. The Home Member of the Central Government, the Secretary of the Home Department and the Director of the Central Intelligence Bureau also attended.

The proceedings were naturally confidential, but it is believed that they were remarkably frank and friendly and they concluded with a unanimous resolution, which was published. The following were its more important clauses :

It is recommended to all Provincial Governments that they should undertake a concerted campaign against propaganda of a communal nature and against incitement to violence of any kind whatever.

The possibility of reciprocal help between Provinces in controlling such propaganda and incitement should be explored by the Provincial Governments and stricter control be enforced over the offending section of the press by the Provincial Governments assisting one another in suppressing such propaganda and incitement.

It is recommended that the Provincial Governments should in executive action relating to law and order explore the possibilities of mutual arrangement and co-operation.

Other clauses invited the Central Government to consider the possibility of amending the Indian Penal Code and other enactments so as to strengthen the arm of the law against subversive and provocative agitation and also to protect officials from calumny on the platform and in the Press.<sup>1</sup>

This conference has a twofold interest for the student of Indian politics. It showed, first, how the new constitutional system, only half-built as it was, could develop its machinery to meet a practical public need. It showed, secondly, how that need, the supreme need of trying to prevent the widening of the communal breach, had induced a body of leading Indian statesmen of different creeds and hostile parties not only to meet and consult each other, and British members of the old bureaucracy as well, but to commit themselves to cordial co-operation for the peace of India.

<sup>1</sup> Resolution of Conference of Provincial Home Ministers, Simla, May 1939. Text in *Hindustan Times*, May 31, 1939.

## CHAPTER XIII

### THE CONGRESS GOVERNMENTS: III. SOCIAL POLICY

#### I. AGRARIAN REFORM

'THE most important and urgent problem of the country', declared the Congress Session of 1936 at Lucknow, 'is the appalling poverty, unemployment and indebtedness of the peasantry.'<sup>1</sup> 'Pending the formulation of a fuller programme', ran the election manifesto of 1937, 'the Congress . . . stands for a reform of the system of land-tenure and revenue and rent, and an equitable adjustment of the burden on agricultural land, giving immediate relief to the smaller peasantry by a substantial reduction of agricultural rent and revenue now paid by them and exempting uneconomic holdings from payment of rent and revenue. The question of indebtedness requires urgent consideration and the formulation of a scheme including the declaration of a moratorium, an inquiry into and scaling down of debts, and the provision of cheap credit facilities by the State.'

A thorough-going reform of the land-revenue system in British India would be a formidable operation, and the Congress Governments can scarcely be blamed for failing in their short period of office to formulate the 'fuller programme'. Only two radical attacks were made on the existing system. One was in Madras where a committee of the legislature, with Mr. Prakasam, the Revenue Minister, as chairman, took the view that, in the areas under the Permanent Settlement,<sup>2</sup> the *ryot*, not the *samindar*, was the owner of the soil, and recommended *inter alia* that the level of rents prevailing when the Settlement was made in 1802 should be restored. But this drastic proposal was only carried by a majority of five, including the chairman, to four: it appears that Mr. Prakasam's colleagues thought that he had gone too far or too fast, since, though they supported the resolutions which were carried in both chambers of the legislature early in 1939, recommending that steps should be taken without delay to implement the committee's recommendations, no bill had been drafted when the Ministry resigned at the end of October. The other 'extremist' move was made in Orissa, and also against the *samindars*. In 1938 a bill was passed which reduced all rents in the *samindari* areas in a part of the Province to the rates of land-revenue payable for similar lands in the nearest *ryotwari* areas plus two annas in the rupee as compensation to the *samindars*. This arrangement might seem plausible enough on paper, but the Ministry apparently made no attempt to investigate agrarian conditions in the area affected or to estimate the loss involved for the *samindars*. In some cases it would have meant a reduction of their income by 50 or even 60 per cent. For some time it seemed

<sup>1</sup> *Indian Annual Register*, 1936, i, 250.

<sup>2</sup> See p. 38 above.



possible that a compromise might be effected, since the *zamindars* were prepared to acquiesce in a substantial lowering of their rents, and a conference was held at which the then President of the Congress, Dr. Rajendra Prasad, was present. But there was no immediate result, and some months later the Premier, Mr. Biswanath Das, announced that he would accept no changes in the bill. Shortly afterwards the Ministry resigned. The bill, meantime, had been reserved by the Governor for consideration by the Governor-General under Section 299 of the Act of 1935, which deals with rights in land, and assent was ultimately withheld.

These two were the only examples of a revolutionary Congress attitude on the land question, and apart from them Congress policy might almost be called conservative. No other attempt was made to upset the existing land-revenue system. The basis of the Permanent Settlement was not questioned in other Congress Provinces,<sup>1</sup> nor was there any interference with proprietary rights outside the Settlement areas. But within the limits of the existing system the agrarian policy of the Congress went a long way. In the first place it dealt vigorously with tenancy-rights and rents, a question which had long been acute in Bihar and the United Provinces and, as has been seen in the preceding chapter, had created there an alarming amount of agrarian unrest.

In the United Provinces tenancy was treated in one comprehensive Act of over 800 sections.<sup>2</sup> Its main objects were to provide for further security of tenure, for the fixation of rents by Government agency and for the abolition of a number of abuses or vexatious restrictions on tenants. The more important provisions were as follows: (1) Tenant rights differed in Agra from those in Oudh. A good deal more than half of the tenant land in Agra was held with an hereditary occupancy right acquired by twelve years' possession only, while in Oudh only a small area was thus protected and most tenants could count only on a statutory tenure of seven years. The United Provinces Act IV of 1921 had given these statutory tenants in Oudh a life tenure with a remainder to the heirs for five years. By Act III of 1926 similar rights were bestowed on the non-occupancy tenants in Agra, and the further growth of occupancy rights was stopped. The new Act of 1939 pursued this method of safeguarding the position of the tenantry to its logical conclusion. It gave all statutory tenants, in Oudh as well as in Agra, full hereditary rights in their holdings. (2) Formerly landlords could prevent the growth of occupancy or statutory rights by cultivating land for twelve years after which it was classed as *sir* and treated as land in which tenants could acquire no rights whatever. This process had been stopped in 1901, but partly renewed in 1921. The new Act cancelled the renewals except in the case of the smaller landlords who needed land for their own cultivation. (3) By the Acts of 1921 and 1926 landlords could acquire tenants' land for many purposes including large farms, subject to orders

<sup>1</sup> For the abortive inquiry into the Permanent Settlement in Bengal, see p. 38 above.

<sup>2</sup> XVII of 1939.

of a Court. This provision was being used to prevent the hereditary right or to oppress tenants and was now limited to the acquisition of not more than five acres for a house, garden or grove, and the scale of compensation was increased. (4) The tenant was given the right to construct on his holding a residential house or any other building serving an agricultural purpose without the permission of the landlord. He was also given an unrestricted right to plant trees on his holding. (5) The rents of hereditary tenants were to be determined periodically by special officers; and, rent having once been fixed, the tenant was entitled to hold at the same rate for ten years. In fixing rents it was to be ensured that the rent did not exceed one-fifth of the value of the produce, and the cost of production was to be taken into consideration. (6) Both landlords and tenants in Oudh were given the right, hitherto confined to Agra, to claim that rents paid in kind should be commuted into cash. (7) A tenant was no longer to be liable to arrest or imprisonment for failure to pay his rent. If in execution of a decree for arrears ejectment were ordered, it could extend only to an area the rent of which did not exceed one-sixth of the arrears decreed. (8) It was provided that all receipts for rent must be on a printed form sold by Government, and the landlord was liable to fine, or even imprisonment, for habitual neglect to give receipts. (9) Limitations on the rights of holders of groves (usually fruit trees) to replace fallen or cut trees were removed, and adverse customs or contracts cancelled. The tenure of grove-holders became heritable.

In Bihar the main provisions of the new tenancy legislation were as follows: (1) All increases in rent made since 1911 were abolished; this was estimated to mean a reduction of about 25 per cent. (2) Damages up to 25 per cent. and interest at 12½ per cent. were formerly realisable on arrears of rent; damages were now abolished and the rate of interest was reduced by half. (3) The system of fixing rent by appraisalment of the standing crop was done away with, and the tenant who paid rent in kind was given the right to claim its commutation into cash. (4) Existing arrears of rent were substantially reduced, and land which had been sold in execution of decrees for the payment of arrears between 1929 and 1937 was to be restored to its previous tenants if they paid half the amount for which the land had been put up for sale. (5) The landlord's power to realise rents was so greatly curtailed that he had now less rights than any other kind of creditor for exacting what was due to him. He was precluded from obtaining the arrest or imprisonment of a tenant for default or from having his movable property sold without his consent; nor could the tenant's entire holding now be sold in execution of a decree unless he were declared by a competent Court to be an habitual defaulter. (6) Special provision was made for occupancy tenants.<sup>1</sup> They were no longer to be ejected from their holdings for non-payment of rent or for any other reason except that they had rendered the land unfit for cultivation, and they

<sup>1</sup> Under previous Bihar legislation a tenant who has cultivated land for 12 years becomes a settled tenant with a right of occupancy, and an occupancy holding is heritable and transferable without payment of fee to the landlord.

were given other minor rights; the only right, indeed, which the landlord retained was the right to get his rent.<sup>1</sup>

The two Governments concerned were entitled to take a reasonable pride in this agrarian legislation. It was pushed on at great pressure and some of it was too hastily drafted; but that was a fault which could be remedied. The merit of the legislation was that, while it gave to the tenants rights which in some respects had long been overdue, its treatment of the landlords was not intolerably severe. A revolutionary attitude to 'landlordism' was, indeed, debarred in most of the Provinces by the number of landowners in the legislatures. There were many substantial landowners, several of them Congressmen, among the 228 members of the United Provinces Assembly, and they had a majority in the upper house. They were not quite so strong in Bihar, but in both Provinces the tenancy question could not be made a direct class issue and in both it was settled by agreement.

Though nowhere so comprehensive or far-reaching, measures of tenancy reform were also carried in Bombay,<sup>2</sup> the Central Provinces,<sup>3</sup> Orissa<sup>4</sup> and the North-West Frontier Province.<sup>5</sup> Altogether it can certainly be said that the Congress Governments did a great deal to improve and secure the status of many millions of agricultural tenants.

The relief of peasant indebtedness was linked with tenancy reform in the election manifesto, and in Bihar, Bombay, the Central Provinces, Madras, the North-West Frontier Province and Orissa a series of Money-lenders or Debtors' Relief Acts were passed which provided, in a more or less uniform manner, for the registration of moneylenders and the regulation of their business, for the cancellation or reduction of interest on debts incurred before a certain date, and for the limitation of future charges to fixed rates of simple interest, ranging from 6½ per cent. in Madras and the N.W.F.P. to 9 per cent. in Bihar.<sup>6</sup> These were vigorous measures, so vigorous that they seemed likely to cripple, if not destroy, the peasant's capacity to raise any loans at all. It may well be that the Congress leaders would regard such a consummation with equanimity since so large a part of the peasants' debts have usually been incurred for wasteful expenditure on marriage ceremonies and the like; but little was done by the Congress Ministries to offset their debt-legislation by measures to provide the peasants with State credit for productive agricultural purposes or to develop the co-operative system.

So much for the primary questions of tenancy and debt. Other measures were enacted for establishing famine-relief funds, for providing better marketing facilities, and for the early closing of shops and so forth,<sup>7</sup> more

<sup>1</sup> The chief measures in Bihar were Acts VIII of 1937, II, IX and XI of 1938, and VII of 1939.

<sup>2</sup> Act XXIX of 1939.

<sup>3</sup> VIII and X of 1938.

<sup>4</sup> Acts III of 1938 and I of 1939.

<sup>5</sup> X of 1938 and XX of 1939.

<sup>6</sup> Bihar, Act III of 1938, amended by Act VII of 1939. Bombay, XVIII of 1939. Central Provinces, XIV, XVII to XXIII, and XXXVII of 1939. Madras, IV of 1938. N.W.F.P., IV of 1939. Orissa, III of 1939.

<sup>7</sup> E.g., Bihar, IV of 1937 and XII of 1939; Bombay, XXIV of 1939; Orissa, IX of 1938.

or less on the lines of the similar legislation in the non-Congress Provinces reviewed in earlier chapters. Special mention may be made of the Bombay Industrial Disputes Act<sup>1</sup> which inspired an increasing recourse to conciliation rather than direct action for the settlement of disputes, and, though this was a measure more of administrative than of social policy, the Bombay Village Panchayats Act,<sup>2</sup> which led to the establishment of about 1,500 elected *panchayats*, compelled to tax their villagers for local purposes and invested with petty civil and criminal jurisdiction.

## II. PROHIBITION

The most striking social reform, and the one which only Congress Ministries attempted with genuine ardour and on a substantial scale, was Prohibition. There was not the same spontaneous popular demand for it as for agrarian reform, and it did not figure in the Congress electoral manifesto; but to make India 'dry' has long been one of Mr. Gandhi's most cherished projects, and the 'high command' as a whole was determined to use the opportunity of office to stamp out the drink-traffic as quickly and completely as it could. The main difficulty was financial. Excise duties on alcohol and drugs had hitherto been one of the mainstays of Provincial revenue. In 1936-7 they constituted 17 per cent. of the total revenues of all the Provinces together. In Bombay the proportion was 26 per cent., in Madras 25, in the United Provinces 13. New administrative charges, moreover, would be incurred for enforcing Prohibition and preventing the illicit distillation of 'country spirit' from the liquor obtained by tapping the toddy palm.

The non-Congress Governments, as has been seen, did not contest the principle of Prohibition, but they applied it on a very restricted scale; their policy was still, broadly speaking, to regulate and control the drink-traffic and tax its profits for the public purse. The Congress Governments were no less in need of money. No progressive social policy, no expansion of the social services, would be possible without it, and they were already committed to a serious loss from the reduction of land-revenue involved in their agrarian reforms. Yet, whatever the Finance Ministers in the various Provinces may have felt about it, the 'high command' was ready to face without flinching the still more serious loss involved in Prohibition. Thus, the modest beginning made in the first year of office when only certain limited areas were 'dried' was regarded as wholly insufficient, and the Ministries were ordered to extend Prohibition over the whole of their Provinces within three years whatever the financial results might be.

None of the Governments directly disputed this order, but none of them proceeded to devise the financial plans required to meet the strain its execution would involve, and only one of them responded with immediate and large-scale action. The initial measure of Prohibition introduced by the Bombay Government had only cost about 30 lakhs (£225,000) in the

<sup>1</sup> XXV. of 1938.

<sup>2</sup> XVIII of 1939.

year; but in 1938 it drafted a scheme to cover the whole Province in three years and applied it in 1939-40 not only to certain rural areas but to the heart of the traffic in Bombay City. This meant a further annual loss of about 1,50 lakhs (£1,125,000), and reduced the yield of excise at the outset of the new régime from 8,20 lakhs (£2,400,000) to 1,40 lakhs (£1,050,000) and also entailed between 10 and 15 lakhs of new expenditure on preventive staff. As a partial set-off to this loss the Government levied an urban immovable property tax, but this was widely resented in Bombay as an illegitimate invasion of a tax-field which had hitherto always been regarded as a municipal reserve, and it also intensified communal feeling since Moslems, particularly their religious foundations, invest their money in house-property rather than in stocks and shares. When announcing this scheme in his budget speech for 1939-40, the Finance Minister made it clear that his Government meant to complete the programme in the following year, although at that time he could not see any provincial source of revenue from which the requisite 1,40 lakhs might come. He indicated the intention of the Government to ask the authorities concerned to increase the Provincial share of the income-tax receipts to the amount prescribed as the ultimate share of the Province in 1947,<sup>1</sup> and also to agree to a reduction in the salaries of all the Services including those under the Secretary of State.

The pace was not forced so sharply elsewhere. No Congress Minister was a more zealous advocate of Prohibition than the Premier of Madras, and he led the campaign in his Province with all his earnestness and drive. But Mr. Rajagopalachari was his own Finance Minister, and he refused to extend Prohibition at a quicker rate than could be soundly financed. When he resigned Prohibition had been imposed, and efficiently imposed, in four districts only, and the excise revenue of about 4,00 lakhs (£3,000,000) in 1936-7 was reckoned to have fallen by only about 40 lakhs (£800,000).

## EXCISE REVENUE

(In lakhs<sup>2</sup> of rupees)

Province	Revenue		Increase or Decrease over 1936-7
	1936-7 Actuals	1939-40 Budget Estimate	
Madras . . . . .	3,96	3,55	-41
Bombay . . . . .	3,25	2,87	-38
Bengal . . . . .	1,36	1,57	+21
U.P. . . . .	1,53	1,16	-37
Punjab . . . . .	1,04	1,11	+7
Bihar . . . . .	1,16	1,03	-13
C.P. . . . .	64	58	-6
Assam . . . . .	36	31	-5
N.W.F.P. . . . .	9	9	0
Sind . . . . .	35	35	0
Orissa . . . . .	33	23	-10
Total . . . . .	14,07	12,85	-1,22

<sup>1</sup> See p. 158 below.<sup>2</sup> One lakh of rupees = £7,500.

The position was much the same in the other Provinces. The United Provinces, for example, sacrificed 37 lakhs (£277,500) out of 1,53 (£1,475,000), and Bihar 18 lakhs (£97,500) out of 1,16 (£870,000). The relative independence of the North-West Frontier Province from control by the 'high command' was illustrated by the failure of its Congress Government to apply Prohibition except in a partial form in a single district.<sup>1</sup>

How the campaign would have developed if the Congress Governments had not resigned in the autumn of 1939 must be a matter of speculation. The three-year plan could only have been carried out if the other Governments had come into line with Bombay, and how could they have financed it? The statement of the Bombay Finance Minister mentioned above suggests that the intention was to appeal to the Centre, when the time came, as the only means of saving the Province from bankruptcy. If that appeal should fail, did Ministers mean to make it a constitutional issue and surrender office on the ground that the existing financial system precluded a progressive Provincial Government from carrying out a major social reform? Mr. Gandhi's attitude, at any rate, was not in doubt. 'Gandhiji has declared', wrote one of his closest adherents, 'that, if complete Prohibition results in loss of revenue to such an extent that Provincial Governments are unable to balance their budgets, a united demand must be made on the Central Government, and, if this demand is not accepted, deadlocks may justifiably be created for such a noble cause.'<sup>2</sup>

### III. THE DEPRESSED CLASSES

The advancement of the Depressed Classes, whose members now number upwards of 50 millions, had been one of the chief items of the Congress programme since 1920. Mr. Gandhi's deep interest in the welfare of the 'Harijans' or 'Children of God', as he calls them, is unquestionable; and the very fact that he had so strenuously opposed their separate representation in the legislatures on the same footing as other minorities<sup>3</sup> made it the more incumbent on the caste-Hindu Ministers, now they were in power, to do something for those backward brethren whom Mr. Gandhi had insisted on keeping within the Hindu fold.

In any reforms they undertook Ministers could generally count on the support of the Harijan representatives in the legislatures, not only on principle but also because in all the Congress Provinces except Bombay those representatives were mainly Congressmen or something like it. Under the system of election contrived by Mr. Gandhi and embodied in the 'Poona Pact', four candidates are chosen for each seat by the Harijans voting by themselves, and the final choice is made by a 'general' electorate. The results, therefore, in 1937 tended to follow the flow of the main electoral

<sup>1</sup> Act XI of 1938.

<sup>2</sup> J. B. Kripalani, *The Latest Fad, Basic Education* (Wardha, 1939). This booklet is commended in a preface by Mr. Gandhi.

<sup>3</sup> See Part I, 128.

side. Thus in Bihar 14 out of the 15 Harijan representatives elected were Congressmen, and in Madras 26 out of 30, if not all full members of the party, voted as its leaders wished. Only in Bombay, the home of Dr. Ambedkar, the well-known political leader of the Harijans, could they be said to constitute an Opposition party. Of their 15 representatives in the legislature 13 followed Dr. Ambedkar and not the Congress. It should also be noted that the Madras and Bihar Ministries each included a 'Scheduled Caste' member.

The first of the Harijans' claims was the removal of 'untouchability' and in particular of the traditional ban which barred them from worshipping in Hindu temples. This was a more burning question in Southern India than elsewhere, and both the Madras and the Bombay Governments did something to deal with it. In Madras the Ministry refused to accept and, with the help of its 26 Harijan supporters, voted down a bill introduced by Mr. M. C. Rajah, the Madras Harijan leader, for opening temples to Harijans; but in the course of 1938 and 1939 they carried the following measures of their own: (1) The Malabar Temple Entry Act,<sup>1</sup> which provided for free entry into temples in Malabar, a particularly caste-ridden area, if the majority of the caste-people in a *taluk* (sub-division of the district) agreed. (2) The Removal of Civil Disabilities Act,<sup>2</sup> which provided, first, that no Hindu shall, by reason of his belonging to a Harijan or 'untouchable' community, be prevented from being appointed to any public office or from having access to any public source of water, path, sanitary convenience, means of transport or secular institution to which the general Hindu public has access or which is maintained for the use of the general public or paid for out of public funds, and, secondly, that no Court or public authority shall recognise any custom or usage by which it is sought to impose any civil disability on Harijans. (3) The Madras Temple Entry Indemnity Ordinance,<sup>3</sup> which indemnified the officials, trustees and other persons in the Madura, Tanjore and Tinnevely districts in which there had been a good deal of 'reformist' agitation. (4) The Madras Temple Entry Authorisation and Indemnity Act,<sup>4</sup> which confirmed the Ordinance and empowered the trustees of any temple in the Province, with the Provincial Government's approval, to open it to Harijans. When the Congress Ministry resigned, no action had been taken to open temples under the first of these measures, but in October 1939 one important temple in the Madura district and some minor temples connected with it had been thrown open.

In Bombay, where orthodox Hindu opinion is as powerful as in Madras, an Act<sup>5</sup> was passed in 1938, enabling the trustees of any Hindu temple to declare it open to Harijans for worship; but no information is available as to whether any action has been taken under it. A number of administrative measures were also adopted by the Bombay Government—orders that Harijans should be permitted to use wells, attend schools, and so

<sup>1</sup> XX of 1938.

<sup>2</sup> XXI of 1938.

<sup>3</sup> I of 1939.

<sup>4</sup> XXII of 1939.

<sup>5</sup> The Bombay Harijan Temple Worship (Removal of Disabilities) Act, XI of 1938.

forth—but no steps seem to have been taken to see that they were effectively carried out; and Dr. Ambedkar continued to assert that there was little solid substance in Congress promises to the Harijans.

The feelings of the Harijans are deeply concerned with 'temple entry', but their greatest practical need is education. In past years caste prejudice forbade to Harijan children the educational facilities enjoyed by the children of caste Hindus; but there were signs before 1937 that this particular barrier to Harijan advancement was rapidly breaking down. In the Punjab 'untouchability' in the educational field had become virtually an anachronism. In Bombay almost all the separate schools for Harijans had been converted into ordinary schools, and the number of Harijans admitted to ordinary schools had been steadily increasing. This latter process had been hastened in some Provinces by drastic Government action. In Bihar and Orissa and in Madras schools had been required as a condition of official recognition to accept Harijan pupils and to give them the same facilities (*e.g.*, seats in front of the teacher and the black-board) as other pupils. Provincial Governments had also granted special concessions to Harijan children—scholarships, exemptions from fees, free textbooks and so forth—and attempts had been made, particularly in the United Provinces, to awaken an interest in education in Harijan communities. These methods of dealing with the problem were maintained and in some cases expanded under the Congress *régime*. The number of Harijan pupils in the schools rose by some thousands each year in all the Congress Provinces except Madras and Orissa. It was reported from Bihar in 1939 that Harijans were being freely admitted to schools and other educational institutions, and the Bombay Government directed local authorities that separate schools for Harijans were only to be opened or recognised in future 'under exceptional circumstances'.<sup>1</sup>

In general, however, it cannot be said that the Congress Governments showed a great deal more courage than their predecessors in their handling of the thorny question of the Harijans. Certainly the Congress victories at the elections had not meant the dawn of a new day for them. Mr. Gandhi's persistent campaign on their behalf must have had some influence on Hindu public opinion, but a gulf still yawns between his precepts and common practice.

#### IV. EDUCATION

There was little difference in the efforts made by the various Provincial Governments in the early years of the new *régime* to expand the social services. All of them spent more money on them. As will be seen in the next chapter, the rate of increase in expenditure after two years was 5 per cent. higher in the non-Congress Provinces as a whole than in the Congress Provinces. But there was a marked difference between the two groups with regard to one social service, education. The Congress Governments

<sup>1</sup> *Progress of Education in Bombay, 1938-9, 155-6.*



pursued what might be called the normal course of educational development along the same lines as the others. They made similar efforts to consolidate the primary school system by elimination and re-grouping; to increase the attendance, to check 'wastage', and they found similar difficulties in enforcing the limited provisions for compulsory school-attendance under the existing law. There was the same slight rise in the proportion of children at school to the total population. In the Congress Provinces as a whole the percentage was 4.8 in 1937-8, 5.0 in 1938-9, and 5.5 in 1939-40.<sup>1</sup> It was not in the application of orthodox educational policy that the Congress Provinces took the lead, but first in the remarkable interest in education in general awakened in the public mind—there was a plethora of new boards and committees, of questionnaires and reports and magazine articles—and secondly in the application of new educational ideas and methods.

The first of these was Basic Education, *i.e.* education which is centred round a basic craft or crafts, associates book-learning with these crafts, and organises its teaching 'in terms of activity and expression rather than of knowledge to be acquired or facts to be stored'. Mr. Gandhi's mind had been working on these lines for some time past; they closely accorded with his ideas of village life and his special interest in spinning; and a National Education Conference held at Wardha in October 1937 passed the following resolution:

The Conference endorses the proposal made by Mahatma Gandhi that the process of education throughout this period [of seven years' schooling] should centre round some form of manual and productive work, and that all the other abilities to be developed or training to be given should, as far as possible, be integrally related to the central handicraft chosen with due regard to the environment of the child.

Thus the system of Basic Education became known in the Congress Provinces as the 'Wardha Scheme', or, less respectfully, as 'Mr. Gandhi's latest fad'. But in fact, of course, it was not a novelty. The technique of Basic Education has been developed in Britain and some of the British Colonies, on the continent of Europe and in America in the course of the last twenty years and more. As the head of the Education Department of the United Provinces put it in 1938, 'This scheme is not a political stunt or a party slogan, but an adaptation to Indian needs of educational changes which have won acceptance in Europe and America and have revolutionised the elementary stage of education in England.'<sup>2</sup>

The Governments which went furthest in applying Basic Education were those of Bihar, the United Provinces and Bombay. In Bihar a Basic Education Board was set up at the end of 1938 with the Education Minister

<sup>1</sup> Bombay stood highest with 10.2, Madras next with 7.6 and the Central Provinces lowest with 3.4.

<sup>2</sup> *Report on the Progress of Education in the United Provinces, 1938-9*, 8-4. For the association of the scheme with Mr. Gandhi's philosophy, see J. B. Kripalani, *op. cit.*, and a collection of Mr. Gandhi's articles on *Educational Reconstruction* (third edition, Wardha, 1939).

(Dr. Syed Mahmud) in the chair; the Patna Training School was converted into a centre for training basic teachers with a 'practising school' attached to it, and early in 1939 a scheme was sanctioned for the establishment of 50 experimental basic schools in one 'compact' area in the Province. The development of the new technique was to be gradual and in accordance with a seven-year plan. Basic methods would be applied in the first year to the youngest children or Grade I only and extended each year to a higher Grade till 1945, so that 1946 would see the emergence of 'the first batch of pupils who have had their full seven years' course of schooling under the system of basic education'.<sup>1</sup> In April 1939, the process had begun with Grade I in 85 of the 50 sanctioned schools. Arrangements had also been made for providing 'refresher' courses and instruction camps for teachers and for the establishment of an inspectorate. Thus the scheme had been firmly launched when the Congress Government resigned. The same can be said of the United Provinces. A Basic Training College, like that at Patna, with its school attached, was opened at Allahabad in August 1938, and 'refresher course' centres were established in May 1939 at seven central points in the Province to train district and municipal board teachers in the task of converting their schools into basic schools. Thus in this Province the process of transformation was not confined to a single area: it was dispersed over many districts. The Government of Bombay took a middle line. By the summer of 1939 basic education had been introduced in 59 schools, in four 'compact' areas, and in 28 isolated schools.<sup>2</sup>

The problem of elementary education in India is primarily financial: the cause of its backwardness has not been lack of will so much as lack of money; and one of the merits of the new educational impulse was its recognition of the need for economy. Though the sale of the things the children were to make—yarn, paper, pottery, woodwork and so forth—would realise an increasing sum of money, the champions of Basic Education in the Provinces mentioned above did not hold that the schools could be self-supporting; they could do much in course of time but not all that was needed to equip and maintain them and their teachers; but there was one primary economy that was now discussed and decided on. There was no need for schools to be built, as heretofore, in brick according to the regulation plan at the cost of several hundred pounds. A classroom or a group of classrooms could be erected in a village grove with wooden posts, walls of wicker or bamboo, a thatched roof and movable screens to keep off sun, wind and rain, with a small brick storehouse for the school equipment.<sup>3</sup> Such rooms were built in the United Provinces at a cost of only 250 rupees (about £19), and similar economies in building were practised in Bihar. In the Central Provinces an attempt was made to economise:

<sup>1</sup> *Basic Education in Bihar, Report on Progress in 1940-1* (Sevagram, Wardha, 1941), 2.

<sup>2</sup> Report of the first Conference on Basic National Education, Poona, Oct. 1939, published under the title *One Step Forward* (Wardha, 1940), xiii-xx.

<sup>3</sup> See an article on 'Basic Education' by J. C. Powell-Price, Director of Public Instruction, U.P., in *Teaching*, March 1941, 110-11.

still farther in accordance with the so-called *Vidya Mandir* (Temple of Learning) scheme in which Mr. Gandhi had taken a close interest. The only cost of a school under this scheme would be the initial cost of its erection and of an adjacent plot of land, and the latter, it was hoped, would be provided *gratis* by some supporter of the scheme. Thenceforward the master would be paid and the school maintained from the produce of its land and the sale of its handiwork. The Central Provinces were chosen as the site of the first experiment, mainly, no doubt, because its Education Minister, Mr. Shukla, was part-author of the scheme. In 1938, 68 offers of land were accepted, the normal school at Wardha was converted into a *Vidya Mandir* training school, and 153 teachers completed their course and were posted under district councils for practical training. The expenditure on the scheme for that year was about 185,000 rupees (£10,125). In 1939, 98 *Vidya Mandirs* were in operation with 2,469 schools. The following year, the number of *Mandirs* had fallen to 82, but the number of pupils had risen to 2,706. The total cost was 62,000 rupees of which the income from the plots was 51,000, the deficit being met by the Government. It had already become apparent that the financial idealism of the promoters of the scheme could not be realised. Experience in other countries has clearly proved that education on basic lines is bound to cost not less but more than the more academic and static type, and in India as elsewhere it is impossible to obtain more than a small fraction of the total cost of a basic school from the sale of the goods made in it unless either the children's labour is exploited—and this, it need hardly be said, was not the intention—or the goods are bought by Government at a price much above the market rate.<sup>1</sup>

This chapter is only concerned with the Congress *régime*, but it should be recorded here that the resignation of the Congress Governments did not mean the abandonment of this great educational experiment. It has been fully sustained under the Governors' administration. In 1942 the seven-year plan in Bihar had smoothly reached its third stage in 28 schools. In the United Provinces 4,800 schools were being gradually converted into basic schools, and in Bombay 68 schools were on the way to conversion.<sup>2</sup> It is greatly to be hoped that the experiment will be completed and made good, and not only in the Provinces in which it started; for a development of primary education on basic lines all over India might go far, in the course of a few generations, to draw out the natural abilities of Indian children and strengthen the practical and constructive elements in their character.

The second outstanding educational achievement of the Congress *régime* was the campaign against illiteracy among the adult population. This was not confined to the Congress Provinces: it was strongly taken up, as has been seen, in the Punjab, and a beginning has been made in Bengal. Of

<sup>1</sup> For the communal feeling excited by the *Vidya Mandir* scheme, see p. 190 below.

<sup>2</sup> The 'official' Governments have kept in contact with the ideas and personnel of the Congress educationists whose centre is the Hindustani Talimi Sangh (Educational Association of Hindustan) at Wardha. Mr. E. W. Aryanayakam, its secretary, for instance, is a member of the Basic Education Board in Bihar.

the Congress Provinces Bombay, Bihar and the United Provinces again took the lead. In Bombay a board for adult education was created in 1938: under its auspices, and with the aid of a Government grant of 40,000 rupees (£3,000), 665 adult schools and classes were running in 1939, and the total enrolment of adults was over 21,000. Plans were also made in several local centres for a drive against illiteracy with the help of voluntary social organisations and of boys and girls from secondary schools. In Bihar the Minister of Education launched a campaign in the spring of 1938 and appealed to teachers and students throughout the Province to devote their summer vacation to it. The response was remarkable. Volunteers of all kinds, schoolmasters and schoolboys, college students and educated young folk of the countryside, joined in the campaign to establish 'literacy centres' with enthusiasm. Over 10,000 rupees (£750) were contributed at this stage to meet the cost by local bodies or private individuals. At the next stage, which opened at the end of 1938, a Government grant of 80,000 rupees came into play. By April 1939, 14,259 centres had been established with nearly 319,000 students. In 1940-1 the total expenditure on the movement amounted to 208,000 rupees of which 199,000 came from Provincial revenue, and the remainder mainly from public contributions: assistance in kind was also given in the form of lanterns, oil, slates and so forth. A similar campaign was set on foot in the United Provinces where the number of adult night schools rose from 391 in 1938 to 2,834 in 1939 and the numbers attending them from 10,594 to 83,552. In 1940, 230,000 adults, including 6,000 women, were reported to have become literate. In that year nearly 7,000 voluntary teachers were employed under a system which offered rewards in proportion to the number of persons made literate.

Meantime the matter had been taken up by the Central Board of Education which appointed a committee, with Dr. Syed Mahmud in the chair, to consider it on an all-India basis, and in 1939 this committee's report declared that the extension of adult education was as urgently needed in India as that of primary education, and that in the adult field the literacy campaign demanded first attention. To provide the personnel 'a strong appeal should be made to all educated persons, and in particular to Government servants, to render voluntary service'; and 'the possibility of making a period of social service obligatory on all students in universities and pupils in the upper forms of high schools should be carefully examined'. So far, the Report continued, the literacy campaign had been largely sustained by unpaid volunteers, but it would soon require 'a very considerable proportion of paid workers'. Competent teachers in particular would be needed, and they would have to be specially trained.

The cost of the literacy campaign alone apart from other essential developments in adult education will impose a very severe strain on the resources of most Provincial Governments. In view of the extreme importance of bringing the campaign to a successful conclusion at the earliest possible date, the Central Government should afford financial assistance

to those Provincial Governments which are prepared to carry out approved schemes within the next five years.<sup>1</sup>

This literacy movement as a whole, started as it was in a genuine spirit of social service, has been described by an experienced educationist, Mr. John Sargent, Educational Commissioner with the Government of India, as 'one of the most significant phases of educational progress in India to-day'. 'If this rate of progress continues', he wrote of the developments in 1939, 'and the present enthusiasm is maintained, the prospects of mass illiteracy being substantially reduced within a reasonable period are bright.'<sup>2</sup> But for the literacy campaign more money was needed, and for Basic Education, too, and for the general extension and improvement of primary education. If the Congress Governments had lasted longer, they would have been confronted sooner or later with the necessity of heavy increases in taxation if the main difficulty which had hitherto obstructed educational advance was to be overcome. The tendency to look to the Centre to provide doles for financing Provincial social reform was a throw-back to the days before the Provinces had obtained their autonomy in finance as in other things; and the resources now allocated to the Centre were intended to meet the cost of Central 'subjects' and primarily of defence.

#### NOTE ON ECONOMIC PLANNING

A brief account may be given here of another Congress enterprise in the social and economic field during this period, which was conducted not by the Provincial Governments but under the direction of the Congress Centre. It is a commonplace of Indian economics that the standard of living among the vast and steadily growing masses of the population can only be maintained or advanced by the further expansion of large-scale industry. With that, of course, the various Governments were closely concerned before the war began and still more after. There was and is a Commerce and Industry Department at the Centre, and most of the Provinces had their Ministers of Industries. But the life of the Congress Ministries was too short, and such time as they had was too much taken up by other things, for them to attempt in the industrial field anything comparable with their agrarian policy. Industry was not forgotten, however, and there was an interesting 'un-official' development which, though it never came to final fruition, was further evidence of the mental energy in the Congress ranks ready to be harnessed to public purposes. It was evidence, too, of the 'high command's' assumption of responsibility not only for the control of its own Provincial Ministries but for the formulation of policy for the whole of India. 'Now that the Congress is, to some extent, identifying itself with the State', wrote Pandit Nehru, 'it cannot ignore the question of 'establishing and encouraging large-scale industries' (*National Planning Committee, abstract of proceedings, etc.*, No. 1, Bombay, 1939, 66).

On October 2 and 3, 1938, in pursuance of a resolution of the Working Committee, a Conference of Provincial Ministers of Industries was held at Delhi, with the Congress President, Mr. Subhas Chandra Bose, in the chair. Affirming that 'the problems of poverty and unemployment . . . cannot be solved without

<sup>1</sup> *Report of the Adult Education Committee of the Central Advisory Board of Education* (New Delhi, 1940), 1-19.

<sup>2</sup> *Education in India in 1938-9* (Bureau of Education, Delhi, 1941), 128-9.

industrialisation', the Conference set up a 'National Planning Committee' to formulate a scheme for the development of heavy, medium and cottage industries on a nation-wide scale (*Ibid.*, 9-11). This Committee held its first session on December 17. It was attended by fifteen British India members (mostly nominated by Mr. Bose, but including *ex officio* the Ministers for Industries in Madras, Bombay and the Central Provinces), the Directors of Industries in Hyderabad and Mysore, and the Development Commissioner in Baroda. Pandit Jawaharlal Nehru was chairman. The Committee adopted an elaborate questionnaire of 187 questions and a supplementary questionnaire of 70 questions. These were circulated to Governments, universities, chambers of commerce, trade unions, firms and private individuals. All the Provincial Governments, non-Congress as well as Congress, agreed to co-operate with the Committee and contribute to its costs, mostly at the rate of 5,000 rupees a year. Practically the whole of the Committee's income for 1939 (about 37,000 rupees) was provided by these Provincial contributions (*Ibid.*, 13-64. *National Planning Committee*, No. 2, 76-7. *Indian Annual Register*, 1940, i, 267-8).

The Committee held its second session in June 1939. In a memorandum from the chair, Pandit Nehru pointed out that the Plan must be 'drawn up for a free and independent India'. It must assume the 'removal of all outside control'. But an effort should none the less be made to develop the resources of the country under existing conditions. 'We have thus to draw up a full Plan which would apply to a free India and at the same time indicate what should be done now' (*N.P.C.*, No. 1, 73-4.) The Committee appointed twenty-nine subcommittees—a number that was later increased by two—charged to examine various types and problems of industry; and among their members were several officials of the Central Government, the Provincial Governments and the States. In a note submitted to the Governments concerned Pandit Nehru expressed the hope that, besides continuing their financial support, they would readily permit their officials to sit on the subcommittees (*N.P.C.*, No. 1, 104-5). It is a curious sidelight on Indian politics that Pandit Nehru should solicit assistance on behalf of this Congress enterprise from the 'imperialist' Centre, from non-Congress Governments which were at this very time under persistent and bitter attack from Congressmen in their respective Provinces, and from State Governments against whose authority the Congress (as will be recorded in Chapter XVI) had recently conducted a vigorous subversive agitation, largely inspired by Pandit Nehru himself.

This anomaly was aggravated when the Congress 'high command' came into open conflict with the Central Government after the outbreak of the war and, as its first move therein, ordered the Congress Provincial Ministers to resign. Yet in April 1940, Pandit Nehru again appealed to the Provincial Governments and to those State Governments which had hitherto co-operated (Hyderabad, Mysore, Baroda, Bhopal, Travancore and Cochin) to continue their financial contributions. Though the work of the National Planning Committee could not, he said, be final and comprehensive—it could only 'draw the bare outlines of a planned economy'—it was hoped that it would be 'of essential significance to the Nation and will help considerably in future inquiries and schemes' (*N.P.C.*, No. 2, 28). This time the appeal was not successful. In the course of the year the Provincial Governments decided not to renew their contributions.

When the Committee met for its third session in May 1940, Pandit Nehru admitted that the conditions of its work had been greatly changed. The war had made the future everywhere uncertain, and in the Congress Provinces 'a limited Provincial autonomy has given place to autocratic rule by alien authority'. Nevertheless he urged that the Committee should complete its work. 'Present

conditions in 'India, as elsewhere', he said, 'are transitory and must pass. And in passing they will . . . give place . . . to a much broader freedom. And so, though the circumstances have changed, the necessity for planning is all the more vital and urgent' (*N.P.C.*, No. 2, 28-30). The Committee, accordingly, considered and passed resolutions on the reports which thirteen of the subcommittees had presented, dealing with engineering industries, including transport, chemical industries, manufacturing industries, river training and irrigation, population, animal husbandry and dairying, labour, currency and banking, insurance, rural marketing and finance, national housing, power and fuel, and horticulture (*Ibid.*, 38-68). At the close of the session Pandit Nehru issued a statement to the Press asking the Indian public to take an interest in the Committee's work and 'to think of future constructive effort, even in the midst of present destruction' (*Ibid.*, 78-5).

Nine more subcommittees' reports were considered at the fourth session in June and four more at the fifth session in August. As Pandit Nehru explained, the Committee's final Report could not be drafted and submitted to the Congress until the few remaining subcommittees' reports had been completed. At the end of October Pandit Nehru was sent to prison and remained there till December 1941 (see pp. 248 and 264 below). No further session of the Committee was held in 1942, nor, as far as the author is aware, has the Committee's Report been drafted. This is not, perhaps, surprising in view of the enormous field which the Committee had undertaken to prospect. In the last few years, moreover, the whole economic situation in India has been transformed by the Central Government's formulation and execution of large-scale plans for the expansion of industries for war purposes.

One or two comments may be made on this ambitious Congress attempt at economic planning. First, the Committee was clearly Pandit Nehru's 'child' and its deliberations were coloured by his personality and ideas. Naturally, therefore, one of the 'general but fundamental decisions' which the Committee put on record in anticipation of its report was in accordance with the Pandit's socialist convictions. 'We have agreed to State ownership and control in regard to defence industries, and State ownership or full control of key industries and public utilities. . . . In regard to land, while we have not ruled out private enterprise in the shape of peasant proprietorship, we have decided that the objective should be the introduction of the co-operative principle to the largest possible extent and the organisation of land collectives and co-operatives. . . . Our general objective . . . is one of a socialistic planned structure run by the community for the benefit of the community' (*N.P.C.*, No. 4, 7).

Another point worth noting is that at most of its sessions the Committee was at pains to insist that the expansion of large-scale industry would not involve the decline of village and cottage industries. On the contrary, the latter would have to be 'protected and encouraged', and any large-scale industry which might come into conflict with such a protected cottage industry would have to be brought under State control in order to make co-ordination easy (*N.P.C.*, No. 1, 89, 85, 74, 91; No. 2, 18, 36, 45; No. 3, 21-6). This stress on cottage industries, though intelligible enough in itself, was a necessary feature of the Committee's policy because only thereby could it hope to obtain the approval of Mr. Gandhi. His dislike of industrialism and the crowded urban life it imposes on its multitudinous employees has long been notorious, and, when the Committee was first established at any rate, his attitude towards it was one of marked reserve (*Indian Annual Register*, 1939, i, 75-8).

Lastly, there is what may be called the constitutional aspect of the enterprise. Party committees, study-circles and summer-schools, party policies and plans, all this is a familiar feature of British politics. But the parties concerned therein

never claim to be more than parties: they formulate their schemes in the knowledge that they will have to compete with other schemes for the favour of the electorate. This Congress Committee, on the other hand, naturally took for granted the primary political assumptions of the Congress movement. It was a 'national' committee; it spoke of the Congress having for a period and to some extent identified itself with the State; it looked forward to the time when that identification would be complete and the Congress would impose on the whole of India the economic structure it had planned. So the minorities were given yet another intimation of what the coming Congress Raj would mean. Economic development in every Province and State was to be controlled according to plan by a Congress Centre. And to Moslems this prospect must have been especially disquieting; for it is in the industrial field, more than in any other, that they feel they have been out-distanced by Hindu energy and wealth, and it is in their economic backwardness that they detect the most serious threat to the survival of their faith and culture in a dominantly Hindu India.



## CHAPTER XIV

### THE CONGRESS GOVERNMENTS: REVIEW

THE record of the Congress Provinces under the Act of 1935 may now be summarily reviewed.

(1) The Congress Ministries which took office in July 1937 in seven Provinces—Madras, Bombay, Central Provinces, United Provinces, Bihar, Orissa and the North-West Frontier Province—resigned in October and November 1939, and responsible government was thereupon suspended. Thus the new *régime* was on trial in those Provinces for only two years and four months, and for that reason any judgment passed on it must be to some extent provisional.

(2) Of the two declared intentions of the Congress, to work the Act and to combat it, the latter fell more and more into the background. The dispute over the 'safeguards' in the spring of 1938 was the only major constitutional crisis; and most of the Congress Ministries would have been as reluctant to resign on that issue at that time as they were to resign on a wider issue in the autumn of 1939. They all worked the constitution—they might be said, indeed, to have overworked it by trying to do too much too quickly—and they acquiesced accordingly, for the time being, in such checks as still remained on the exercise of complete self-government.

(3) But they did not work the constitution as it had been expected that it would be, worked or as, broadly speaking, it was in fact worked in the non-Congress Provinces. Of its main principles, Responsible Government and Provincial Autonomy, the application of the first was to some extent weakened, and that of the second practically negated, by the totalitarian policy of the 'high command'. This had two untoward results. First, it intensified the anxiety and antagonism of the minorities, especially the Moslems. Secondly, it deprived the *régime* as a whole of confidence in its stability and permanence. For the intention to combat the constitution was more firmly maintained by the Congress Working Committee than by the Ministries, engrossed in their arduous and constructive work. The ultimate aim of full national self-government was never forgotten at Wardha, and it was well understood that the conduct of the Congress in the Provinces might be wholly subordinated to the furtherance of that aim at any moment the 'high command' might choose. As will be seen in Chapter XVIII, it was the 'high command's' attempt to obtain an enhancement of national status—an all-Indian, not a Provincial, issue—that brought the whole *régime* in the Congress Provinces to an end.

(4) Apart from that uncertain factor, the Governments had more stability than those of any of the non-Congress Provinces except the Punjab. Whatever its other results, the exercise of unitarian control by the 'high command' was undoubtedly useful in checking dissension between Ministers

and reinforcing their position in the legislatures. Except in Bombay, the strong Congress sense of discipline ensured smooth co-operation between Ministers and their majorities in the Assemblies. The strength of those majorities was not appreciably affected by the loss of a few seats at by-elections: in most of the Provinces it remained overwhelming. Nor did the Congress lose its hold on public opinion. The Governments were not immune from the sort of criticism to which all democratic Governments are subjected. Some sections of the electorate thought they went too far, others thought not far enough, in carrying out their electoral programmes. But it was generally agreed that, if new elections could have been held at the time of the resignations, the Congress would have won in all its Provinces—with the possible exception of Bombay where it had not obtained a pure Congress majority in 1937—almost, if not quite, as decisive victories as it won before.

(5) With few exceptions, notably in the Central Provinces, the Congress Ministers, who, unlike many of their *confrères* in the non-Congress Provinces, had had little or no previous experience of administration, proved themselves capable and hard-working men with a high sense of public duty and responsibility. The difficulties they encountered at the outset were mainly due to preconceptions and ideological theories not unnaturally harboured by members of a revolutionary organisation which had always been in opposition. More quickly in some Provinces than in others but eventually in all, they came to recognise the practical necessities of maintaining law and order in India, and, in that field as in others, to overcome, if never quite to forget, their old suspicion and distrust of the official Services. If mistakes and misunderstandings were inevitable at the outset, they were gradually corrected. Broadly speaking, all the Ministries, at the time of their resignation, had acquired a grasp, and were beginning to make a proper use, of the administrative organism they had inherited from the old *régime*.

(6) The financial record of all the Provinces will be examined in the next chapter. Suffice it to say here that the Congress Governments, like their rivals, maintained the accepted principles of public finance, though they showed a somewhat greater tendency to overspend their income and budget for a deficit. Their outstanding extravagance from the monetary point of view was Prohibition, the ultimate financing of which had not been faced when the Ministries resigned. The loan policy of the Congress Governments was wholly orthodox.

(7) The legislatures were well-conducted, hard-working, and, except for an increasing tendency to ask unnecessary questions, businesslike. But in most of them the normal operation of parliamentary government was precluded by the numerical weakness and lack of cohesion of the Opposition. Legislation was submitted to full discussion but not determined by it. 'Majority rule' was generally enforced with little consideration of, and no compromise with, minority opinions.

(8) Considering the short time the legislatures were in session, the amount of legislation they enacted was very large, and some of it was too

hastily drafted and required subsequent amendment. The most important measures were designed to improve the lot of the agricultural masses, and they achieved a substantial measure of success. Of some other measures, such as Prohibition, there has not been sufficient time to assess the results.

(9) The achievements of the Congress *régime*, both legislative and administrative, in the field of social reform were its most remarkable feature, and they were the direct result of the full popular government established by the new constitution. It was not that Congress ideas or methods were altogether new: except as regards Prohibition and the new departures in education, Congress Ministers were building for the most part on foundations already laid and working through departments and officials trained under their predecessors. But they were able to take a much bolder course. The Congress welcomed agitation: it had the great majority of the electorate behind it and it was not afraid of the minority. The old contention that Indian self-government was a necessity for any really radical attack on the social backwardness of India was thus confirmed. But it had to be real self-government, and so it was. Interventions by the Governors or the Governor-General were mainly on points of law; their recommendations were usually accepted; only one measure was vetoed outright.

(10) Among the Congress Ministers and members of the legislatures and their supporters at large there was a genuine zeal for social reform. It was not only that the party had pledged itself at the polls and wanted to satisfy the electorate on whom the continuance of its power depended: it wanted no less to satisfy itself. A new spirit of public service was abroad. In evoking it and enabling it to fulfil itself in action democratic self-government was showing its best side.

(11) There was another side, of course. All Congressmen are not idealists. To some of them the victory of the party seemed more important than the welfare of the people, and they sought to get what personal advantage they could from it. Nor were the Governments always as firm as they should have been in dealing with their partisans, whether in finding posts for individuals or in compelling local bodies to do their duty. All Congressmen, moreover, were affected by the totalitarian character of the Congress system. They identified the party with the State. They felt themselves to be at once the servants of the people and its masters, and in some of them the electoral triumph seemed to have bred an almost infinite self-confidence. The Congress, it seemed, was to do everything unaided. Progress as well as power was its monopoly. The unfortunate effects of this attitude on that substantial section of the people which did not consist of Congressmen will be discussed in later chapters.

(12) This last weakness would have been cured, no doubt, by time and experience, and the same can be said of the tendency of the Congress Ministers to 'rush their fences'. It was natural that their legislative programmes should be overcrowded, that the practical difficulties of reform should be underestimated—the financing of Prohibition was the most

striking example of this—and that quick results should be expected. Only time could show, for instance, that years rather than months were needed for teachers to acquire a new and difficult technique or for millions of ignorant adults to learn to read and write. But such weaknesses were outweighed by one outstanding fact. The Congress had at last become a constructive force in Indian politics. For twenty years it had lived in the barren wilderness of opposition, complaining, criticising, putting the blame for everything on Britain. Now it had shown that the power of its great organisation and the disciplined enthusiasm of its members could be put to a more practical purpose. It was still anti-British, but it was now more than that. In a new, more positive and effective sense, it was pro-Indian.

(18) The achievements of the Congress *régime* were freely acknowledged on the British side. In his statement of October 17, 1939, Lord Linlithgow paid a tribute to the manner in which the Provinces, Congress and non-Congress alike, had been 'conducting their own affairs' under the Act of 1935. 'That they have done so', he said, 'on the whole with great success . . . no one can question. Whatever the political party in power in those Provinces, all can look with satisfaction on a distinguished record of public achievement during the last two-and-a-half years.'<sup>1</sup> Two Governors of Congress Provinces, whose periods of service in India have come to an end since 1939, have both given favourable accounts of the work done by their Ministers.<sup>2</sup> Speaking for the British Government in the House of Commons on October 26, Sir Samuel Hoare contrasted the 'great constitutional success of Provincial autonomy in India'—and he was clearly alluding to the Congress Provinces as much as the rest—with the breakdown of constitutional government in other parts of the world.<sup>3</sup>

(14) It may be said, in fine, that, while the way in which the new constitution was worked in the Congress Provinces was different from the way it was worked in the non-Congress Provinces, the results were as good and in some respects better—but for one thing. All the Provinces suffered more or less from the growth of communal antagonism, but in several of the Congress Provinces it overclouded the whole picture. Not because of anything Congress Ministers desired or did, but owing in general to the totalitarian doctrine of the Congress organisation and in particular to the 'high command's' refusal to share power with the Moslem League, Hindu-Moslem discord became so bitter that, at the time the Ministries resigned, it seemed, in the United Provinces and Bihar at any rate, that, without a drastic change of policy, constitutional government might soon become impossible.

<sup>1</sup> *India and the War*, Cmd. 6121, p. 5.

<sup>2</sup> See the articles by Lord Brakine and Sir Harry Haig, cited pp. 15-16 above.

<sup>3</sup> *Hansard*, H. of C., ccclii, 1935.

## CHAPTER XV

### PROVINCIAL FINANCE<sup>1</sup>

#### I. REVENUE

THE principle of Provincial autonomy which inspired the Act of 1935 was fully applied in the field of public finance.<sup>1</sup> Some sources of revenue were allocated to the Provinces alone. The yield of some other sources, tapped by the Centre, was to be either shared with the Provinces, or paid over to them in full. No contribution was to be made by the Provinces to the Centre. The Provinces, moreover, were given an almost unlimited right to raise loans in the open market; they were to keep their own banking accounts with the Reserve Bank of India; and they would be free to make their own audit and accounting arrangements as they chose. Furthermore, the Provinces were enabled to start their own financial career on an 'even keel' by the application of Sir Otto Niemeyer's scheme.<sup>2</sup> In the first place, the whole of the debt incurred to the Centre before 1936 by five Provinces and part of that incurred in a sixth were cancelled, and the remaining Provincial debts to the Centre were consolidated. The amount of debt cancelled was 13,62 lakhs (£10,215,000), and the relief in charges on the Provincial budgets as a whole from cancellation and consolidation was 1,59 lakhs (£1,192,500). Secondly, half the yield of the income tax levied by the Centre was divided up among the Provinces, subject to the retention of a diminishing quota by the Centre for a period of years. Under this provision the Provinces obtained over 1,24 lakhs (£900,000) in 1937-8 and 1,50 lakhs (£1,125,000) in 1938-9. Thirdly, 62½ per cent. of the proceeds of the export duty on jute was assigned to the four Provinces in which jute is grown: this amounted to 2,65 lakhs (£1,987,500) in 1937-8 and 2,51 lakhs (£1,882,500) in 1938-9. Fourthly, the Centre was to make annual subventions, ranging from 25 to 1,10 lakhs, to five Provinces for varying periods.

These were substantial aids to Provincial finance, but far the greater part of the revenue was raised in the period under review by the taxes levied under the old *régime* and maintained in force by the new legislatures and by the new taxes they imposed.

(1) Of these taxes land-revenue, the tax or rent on land, has always been the mainstay of Provincial finance, but it has also been for many years the target of political attack owing to the burden it imposes on the poor agriculturalists who constitute the overwhelming majority of the population, and not only the Congress but most of the other parties pledged

<sup>1</sup> The author is indebted to the Finance Department of the Government of India for material used in this Chapter and in Appendix III below. Students of the subject should consult B. R. Misra, *Indian Provincial Finance* (O.U.P., Bombay, 1942) and P. J. Thomas, *The Growth of Federal Finance in India from 1888 to 1939* (O.U.P., Bombay, 1939).

<sup>2</sup> For details see Appendix III, p. 323 below.

themselves at the elections to reduce it. Hence, almost the first act of the new Governments in most Provinces, as has been recorded, was to give substantial remissions of land-revenue. In Assam the non-Congress Ministry gave remissions to the tune of 28 lakhs a year which its successor, the Congress Ministry, increased to 40 lakhs a year, amounting to one-eighth of the total revenues of the Province. In Madras the remissions previously in force were increased to 75 lakhs, and in Bombay and the Punjab considerable remissions were granted to the smaller landholders. The Bombay Government also carried a comprehensive Land Revenue Amendment Act which sought to bring the process of revision of land-revenue under statutory regulation and limited the enhancements that might be made at each successive revision of the settlement, while reducing the proportion of the net profits of cultivation which formed the share of the State. Despite those remissions and a general easing of the land-revenue administration, the total receipts from the land, which amounted to 26,59 lakhs (£18,542,500) in 1936-7, were only lower by 12 lakhs (£90,000) in 1939-40; and in three Provinces they actually rose, by 11 per cent. in Madras and by 4 per cent. in the United Provinces and the Central Provinces. Thus this source of revenue was apparently less inelastic than its critics had alleged.

(2) The next best source of revenue in the past had been the excise-duty on alcohol and drugs. Its total yield in all the Provinces, in 1936-7 had been 14,07 lakhs (£10,552,500), but this was greatly reduced in all the Congress Provinces by the adoption in varying degrees of Prohibition as described in Chapter XIII. As the result of their last Congress budgets the Congress Provinces expected to obtain 1,50 lakhs (£1,125,000) less from excise than they had in the year before the Congress took office. In Bengal, on the other hand, the estimated yield of excise in 1939-40 was 21 lakhs higher than in 1936-7, and in the Punjab 7 lakhs higher. In Sind it remained steady. Taking all the Provinces together, the excise percentage of the total revenue actually fell in this period from 17 to 13.

(3) There was also a decline in most of the Provinces in the revenue from stamps, which fell from a total of 11,08 lakhs (£8,295,000) in 1936-7 to a total of 9,78 lakhs (£7,335,000) in 1939-40. This was a result, but an indirect result, of new developments in social policy. The measures of agrarian relief recorded in Chapter XIII—the conciliation and cancellation of agricultural debt, the restrictions imposed on moneylending and on the recovery of rent—all this meant a diminution of legal procedure of one kind or another and consequently a decrease in the purchase of stamps.

(4) The receipts from the forests in Government ownership also, in general, declined. This was partly due to greater expenditure on conservation and partly to a fall in the fees paid by countryfolk for grazing their cattle on Government forest-land. These fees had long been under fire from Congress politicians, and they were now reduced or abolished outright. The Governments principally concerned were those of Madras, Bombay and the Central Provinces.

(5) On these and other minor sources of revenue the finances of the pre-1987 Governments had been based. Most of them were calculated to show a steady increase as the result of a well-planned policy of social and economic development. But the fruits of such a policy would be slow to mature, and funds were needed in the meantime to finance without delay the social programmes to which the members of the new Governments, Congress and non-Congress alike, had pledged themselves at the elections. New sources of revenue, therefore, had to be tapped, and of these the most important was the sales tax, general or selective. Madras took the lead in 1939 with a *general* sales impost in the shape of a turnover tax which all dealers, whose turnover exceeded Rs. 20,000 per annum, were liable to pay at the rate of one-half per cent. of such turnover. On a turnover of between 10,000 and 20,000 rupees a flat rate of 5 rupees per annum was payable while a turnover of less than 10,000 rupees was exempt. The tax yielded 84 lakhs in 1939-40 and 72 lakhs in the full year 1940-41, though from April 1, 1940, the rate of tax was halved. Bengal and the Punjab followed suit with a general sales tax on similar lines. In the Punjab, as has been seen,<sup>1</sup> the incidence of the tax was softened to meet the vehement opposition of the trading community. For *selective* sales taxes the commodities chosen were motor spirit and lubricants, tobacco, electricity, cloth, motor cars, motor cycles and radio sets. Every Province in India except Orissa now levies a sales tax on motor spirit, the rates varying from one anna to two annas per gallon. The Central Provinces and Assam also taxed motor lubricants. Tobacco was subjected to a sales tax in Madras, Bombay, the Central Provinces, the North-West Frontier Province and the Punjab. The taxation of electricity was limited to Bombay, Bengal and Madras. Bengal and Bombay had introduced this form of taxation before the inauguration of Provincial autonomy, but the Congress Government of Bombay increased the tax from six pies per unit to nine pies in 1938-9 and 15 pies in 1939-40. A proposal for the taxation of cloth aroused some controversy in Bombay, which is the home of so large a part of the Indian textile industry. The Government passed an enabling Act in 1939 with the object of levying a tax on sales of cloth; but, before the administrative details of the measure could be worked out, the Ministry resigned and the Governor's Administration which succeeded it decided not to proceed with the measure owing to certain practical difficulties which were encountered. Assam is the only Province which has levied sales taxes on motor cars, motor cycles and radio sets.

(6) Another new tax was the agricultural income tax, but this potentially valuable source of revenue was tapped in only two Provinces, Assam and Bihar. In Bihar the annual yield in a full year was about 15 lakhs and in Assam 25 lakhs. The tax was graduated in both Provinces, the maximum rate being 2½ annas in the rupee.

(7) Another important innovation was the property tax. An Urban

<sup>1</sup> See p. 54 above.

Immovable Property Tax was imposed in 1939 in the cities of Bombay and Ahmadabad. It was originally 10 per cent. of the rental value of the property and was superimposed on the property tax already payable to the Municipal Corporation. It aroused fierce criticism not only because it was intended to replace the excise revenue sacrificed in the pursuit of Prohibition but also as a serious encroachment on the sphere of municipal taxation.<sup>1</sup> The non-Congress Government of the Punjab introduced a similar tax in 1941-2 in the city of Lahore with a provision for its extension to other cities in the Province.

(8) A tax on employments, trades and callings was levied in the Central Provinces in 1937-8, and in Bengal in 1939, and the United Provinces Government proposed an employment tax in 1939 which created considerable controversy. The tax in the Central Provinces and Bengal was at a flat rate of Rs. 28 and Rs. 30 per annum. In the United Provinces it was to be graduated according to income, those in receipt of an income of less than Rs. 2,500 per annum being exempt and the higher income groups paying about 10 per cent. of their income. The validity of the tax in this form was questioned, since the scheme of graduation made it virtually an income tax, and its imposition would therefore have seriously encroached on the taxable capacity of a field reserved to the Centre. For this reason the Governor reserved the Act for the Governor-General's assent, and in the meantime Parliament was moved to amend the Government of India Act, and enacted the new section 142 A. This limited the total amount payable in respect of any one person to the Province or to any local body by way of taxes on professions, trades, callings and employment to 50 rupees per annum.

(9) The taxation of entertainments, including betting, which was introduced during the period of dyarchy, was now extended to cover practically every Province.

(10) In the United Provinces and Bihar a cess was imposed in 1938-9 at the rate of half an anna per maund on all sugar cane consumed in factories. Bengal imposed a similar cess on jute in 1940-41. The proceeds of these cesses were earmarked for expenditure on the development of sugar and jute growing or for the relief of the cultivators where necessary. Though these cesses do not augment the general resources of the Province, they relieve the general taxpayer to some extent of the obligation to provide money for these objects.

It is clear from the foregoing that the field of new taxation assigned to the Provinces by the Act of 1935 proved to be less narrow than had sometimes been represented, and that the Provincial Governments as a whole showed no lack of initiative in utilising their new taxation powers. Given time, those powers could undoubtedly be further exploited in many directions,

<sup>1</sup> See p. 142 above. The rate has been successively reduced by the 'official' Government and is now 7½ per cent. per annum.



*Growth of Provincial Revenue*

Province	1936-7	1939-40	Increase over 1936-7	Percentage Increase over 1936-7
	Lakhs.	Lakhs.	Lakhs.	%
Madras . . . . .	15.58	16.66	1.08	6.93
Bombay . . . . .	12.40	13.14	.74	5.97
Bengal . . . . .	12.14	14.32	2.18	17.96
United Provinces . . . . .	11.92	13.52	1.60	13.42
Punjab . . . . .	11.27	12.11	.84	7.45
Bihar . . . . .	4.58	5.48	.90	19.65
Central Provinces . . . . .	4.71	5.08	.37	7.86
Assam . . . . .	2.53	2.93	.40	15.81
N.W.F.P. . . . .	1.75	1.83	.08	4.57
Sind . . . . .	4.00	4.29	.29	7.25
Orissa . . . . .	1.70	1.88	.18	10.59
Total . . . . .	82.58	91.24	8.66	10.49

## II. EXPENDITURE

There were two main trends in the expenditure policy of the Provincial Governments. On the one hand they tried to reduce the cost of the administration. On the other hand they promoted the measures of social service and development briefly described in previous chapters of this Report.

All the Governments, whether Congress or non-Congress, were eager to cut down expenditure both by the lowering of official salaries and by the abolition of posts regarded as unnecessary. The Congress Ministers set an example by limiting their own salaries to 500 rupees (£87½) per month (supplemented by such amenities as free houses, official cars, car allowances, etc.), while the non-Congress Ministers also fixed for themselves salaries substantially lower than those of the Executive Councillors and Ministers under the previous régime. Other economies were effected by the reduction of the scales of pay for new entrants into certain classes of the Provincial and Subordinate Services, by savings on such minor items as the move of the Government to the hills in summer and by the lowering of the rates of travelling allowance. But the effect of this campaign for economy was limited. The Provincial Governments had no power to alter the salaries of the more highly-paid Superior Services which were recruited by the Secretary of State; nor could they legitimately change—except, perhaps, on promotion—the salaries of *existing* members of the Provincial and Subordinate Services, which they themselves recruited and controlled. The scope for retrenchment in other directions was limited by reason of the series of retrenchment campaigns which had been carried out in pre-autonomy days.

The financial effects of the social policy of the Provincial Governments are shown in the table (facing page 159 above) which compares the expenditure on the social services in 1936-7 with that in 1939-40 and 1942-3. It

will be noticed that the increase was already substantial when the Congress Ministries resigned. Their last budgets were those for 1939-40, and they show an increase of 13 per cent. over the figures for 1936-7. This upward movement was maintained by the official Governments which replaced the Congress Ministries: the amount provided for the social services by the budgets of 1942-3 exceeded the amount provided in 1936-7 by 29 per cent. But this development was not confined to the Congress Provinces. It was not only matched, it was overmatched, in the non-Congress Provinces, where the corresponding increase of expenditure was 18 per cent. in 1939-40 and 38 per cent. in 1942-3.

To the student of public finance an interesting departure on the expenditure side was the formation of Special Development Funds mainly to finance measures of rural development. The object was to even out expenditure on development over a series of years, putting surplus revenues into the fund during prosperous periods and financing the social services from the balances available in the fund during lean years. An initial impetus was given by the action of the Central Government which inaugurated in 1935-6 a Rural Development Fund from the surplus of the year 1934-5, and allotted the greater part of these monies to the Provinces over succeeding years. The Punjab Government created a Special Development Fund of 55 lakhs from the surplus of the year 1937-8, and this lead was followed in Bombay, Madras and the Central Provinces, substantial sums being allocated to the funds in the two former Provinces. This policy has been continued under the 'official' Governments and in addition to these Development Funds there are now large Reserve Funds in Madras, the United Provinces and Bombay, fed by the proceeds of taxation levied in the period of autonomy.

### III. LOANS

The table below shows the loans raised by the Provinces in the market in each year since 1937-8.

#### *Provincial Permanent Loans raised in the Market*

(i.e. loans other than floating loans such as treasury bills and ways-and-means advances from the Reserve Bank)  
(In lakhs of rupees)

	1937-8	1938-9	1939-40	1940-41
Madras . . . . .	1,64	1,51	1,50	70
United Provinces . . . . .	1,06	—	—	1,00
Punjab . . . . .	1,04	1,00	2,51	1,75
Central Provinces . . . . .	50	—	75	—
Assam . . . . .	—	—	—	50
N.W.F.P. . . . .	60	—	—	—

The loans recorded in this table were all raised from the public in the market: no such loans were raised in this period by Bombay, Bengal, Bihar,

Sind or Orissa. But a three-year loan of 1,50 lakhs was made by the Central Government to the United Provinces and Bihar in 1940-41 for the rehabilitation of the sugar industry which was then undergoing a crisis in those Provinces, and loans have also been advanced by the Centre to finance certain special forms of war-expenditure. Normally the Centre no longer lends to the Provinces.

The loans from the public were mostly raised either to repay maturing liabilities or to finance public works schemes of a productive character. Madras borrowed for a wide network of electric schemes and irrigation works, and the United Provinces to finance capital expenditure on the hydro-electric grid scheme, the extension of the tube well scheme and the road development programme. The relatively heavy borrowing by the Punjab was to finance its two large irrigation projects, the Haveli and the Thal. The North-West Frontier Province borrowed for capital expenditure on the Malakand hydro-electric scheme. There has been no instance in which Governments have employed borrowed money in a manner contrary to the accepted canons of public finance.

#### IV. COMMENT AND COMPARISON

It is apparent from the above survey that on the whole the autonomous Provincial Governments, whether Congress or non-Congress, have not as yet departed seriously from the orthodox principles of public finance, although five years is too short a period in the life of a Province in which to pass a final judgment on its progress and on the soundness of the financial arrangements made for its future. Such increase as there has been in expenditure—and it has often been considerable—has usually been met by a corresponding increase in revenue, both through the operation of the Niemeyer Award and the levy of additional taxation. These sources, as the large surpluses of some Provinces now under official administration show, have often provided enough to finance even larger measures of beneficent activity than were actually undertaken. The benefit of this cautious financial policy will accrue to the Ministries of the future if and when responsible government is resumed in all the Provinces.

It remains to compare the financial record of the two groups of Provinces. Here again the shortness of the period under review is a serious handicap. Tendencies might be at work in Congress Provinces—the most obvious case will be recalled presently—which had scarcely made themselves felt before those brief twenty-seven months were over. But, on a rough and tentative comparison, it would seem that the financial policy of the various Provinces was very much the same. All of them wanted to develop the social services. All of them tried, therefore, to increase their revenues by retrenchment and taxation—in some cases new kinds of taxation. All of them showed a desire to shift the tax burden from the poorer classes to the well-to-do and from rural to urban areas. The only difference in the financial

implementation of a more or less common social policy is to be detected in the greater readiness of the Congress Governments to yield to the temptation of overspending their income. The accounts for 1937-8 in the United Provinces, the Central Provinces and Assam all showed deficits, though in the first case the shortfall was negligible.<sup>1</sup> In 1938-9 Bombay and the Punjab joined the group of deficit Provinces. The estimates of 1939-40 disclosed that all the Provinces except the Punjab, Bihar, the Central Provinces and Sind had budgeted for a deficit. Most of these estimates, it is true, did not provide for the yield of taxes then in contemplation, and in the event the financial year closed with a surplus, in most cases substantial, except in the North-West Frontier Province. Nevertheless the tendency to budget for a deficit seemed to be growing, more markedly in the Congress Provinces, but not only there. A deficit seems to have become an established feature of the budget in Bengal.

The more substantial differences between the two groups of Provinces are to be found not in the principles of public finance but rather, as was to be expected, in the reaction on their financial policy of their different political outlook and organisation. This showed itself in two ways. First, while the non-Congress Ministries worked in full harmony with the Centre, the Congress Ministries, in accordance with their creed, tended to regard the Centre as a hostile body with whom the less they co-operated the better. As time went on, as has been seen,<sup>2</sup> they found that the Centre could be helpful in overcoming their local difficulties; but in the financial field the note of hostility was unmistakable. There was an obvious possibility of conflict in the ill-defined margin between excise-duties and sales taxes. The non-Congress Ministries showed a disposition to come to a practical working agreement with the Centre so as to define by way of convention the relative spheres of taxation of the Centre and the Provinces to the mutual advantage of both. But the Congress Ministries refused to come to any arrangement in the matter and preferred to exploit this margin to the full in the interests of the Provinces, leaving disputed cases to be settled in the Courts with a view to the position being eventually resolved under a system of case law. Similarly, it was the Government of the United Provinces, with the cordial approval of all the other Congress Governments, which made the determined attempt, recorded above, to invade the Central income-tax field by way of the 'taxes on professions, trades, callings and employments' allotted to the Provinces, in the hope that the Federal Court would uphold their interpretation of the Act regardless of the effect on the financial stability of the Centre.<sup>3</sup> The second contrast between the two *régimes* resulted from that outstanding characteristic of Congress organisation which has repeatedly made its appearance on previous pages of this Report—unitary control by the 'high command'.

<sup>1</sup> See the table facing p. 158 above.

<sup>2</sup> See p. 136 above.

<sup>3</sup> This move was also regarded as an indirect attack on the Secretary of State's Services; see p. 119 above.

Financial policy is inevitably interwoven with all other policy, and in every Congress Province it was equally subject to external supervision and control. The actual upshot might have been much the same if the Provincial Ministries had been free to adjust their social policy as they chose to the needs and resources of their own Provinces; for they shared individually in the common Congress ideology. But in fact they were not free, and in the matter of Prohibition, which had a graver bearing on finance than any other, there was a considerable strain. The financial record of Madras, for example, would have been very different from what it was if the Premier had not won his battle with the 'high command'.<sup>1</sup> From such interference from outside—and its effect on finance might well have become more marked if the Congress Ministries had lasted longer—the non-Congress Provinces were exempt. For, though, as will be seen, the Moslem League attempted to control the opinions of Moslem Ministers in these Provinces, it did not try to direct the course of purely Provincial policy.

<sup>1</sup> See p. 142 above.

## CHAPTER XVI

### THE CONGRESS AND THE STATES

THE reaction of the Moslem community to the Congress policy in British India from 1937 to 1939 will be discussed in the next chapter. This chapter is concerned with another aspect of the problem of Indian unity, the relations between British India and the Indian States.

The introduction of the new constitution in the Provinces heightened the contrast between their form of government and that of the States. In the Provinces the rapid development of parliamentary government had now reached its climax. In most of the States it had not yet begun, and even in the more advanced of them it had barely reached the stage which the Provinces had attained twenty years or more ago. In some thirty States the traditional forms of consulting the people in *darbar*<sup>1</sup> had been regularised or modernised. Representative Assemblies and Legislative Councils had been established. In legislation and to an increasing extent in matters of administration the people now had a voice not only by custom but by a constitution. But it was only a voice: the last word in everything was still the Prince's. Thus the point of advance reached by 1937—to speak only of the more progressive States—lay roughly between the points reached by the British Provinces in 1909 and in 1919.

Legislative Councils with the elected members in a majority had existed in Travancore since 1921, in Pudukkottai since 1924, and in Cochin since 1925. As legislative bodies these Councils resembled the 'Montagu-Chelmsford' Councils established in the British Provinces in 1919; and the Ruler's right of overriding them and legislating on his own account resembled the Governor's more restricted powers of veto and 'certification'. As regards the Executive those State Councils were more akin to the 'Morley-Minto' Councils established in British India in 1909. They could discuss administration, but they could not control any part of it. No Ruler of a State had done what Parliament had done by the Act of 1919 in the Provinces. The whole government was still in every State the government of the Ruler, advised by such Ministers as he chose to appoint. No 'subjects' had been 'transferred' to Ministers responsible to the legislature.

Next to these States came Hyderabad, the largest and most important of them all. Since 1900, it likewise had possessed a Legislative Council, but in 1937 eleven of its 20 members were still officials. A group of other States—Gwalior, Indore, Baroda, Bikaner—had had Legislative Councils or Committees for some years past. Their meetings, however, were short and irregular, and they were purely consultative bodies whose advice, even on matters of legislation, the Ruler was not bound to ask, still less to take. And in the rear stood a multitude of smaller units in which the Ruler's

<sup>1</sup> See Part I, 15.

autocratic power was still tempered only by use and wont or, as in most Maratha States, by the rights of a feudal landed aristocracy. Thus, broadly speaking, while in the course of a generation the political complexion of British India had been transformed, that of the States had undergone no drastic change.

Nor had the British Government's interpretation of its obligations towards the States changed. The plain fact that its engagements had been made with the Rulers, not the peoples, of the States was still plain: and its relations, its contacts, with States were still only with their Rulers. Whatever it might think of popular movements or organisations in the States, it felt bound to ignore them. The request of the States' Peoples' Conference to be heard by the Butler Committee<sup>1</sup> was refused. Only the Rulers or their personal representatives were invited to the Round Table Conference, and it was assumed that any decisions they might make would be binding on their peoples. The Act of 1935, similarly, provided that, as the Rulers had unanimously and insistently demanded, the representatives of the States in the Federal legislature should be appointed by them.<sup>2</sup> No reference was made to any such representative body as might exist in any State.

At the same time it had never been maintained that the welfare of a Ruler's subjects was no concern at all of the Paramount Power. In her famous Proclamation of 1858 Queen Victoria had expressed her desire that the peoples of the States as well as those of British India 'should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government'. But good government is not readily defined, and it was a somewhat limited and negative conception of the Paramount Power's duty to secure it for the States' peoples that in course of time prevailed. In view of the agreements made with their Rulers interference in the internal affairs of the States, it was held, could only be justified by gross misgovernment. On several occasions before 1937 gross misgovernment had occurred and action had been taken: the most recent instance had been the exclusion of the Maharajah of Alwar from his State in 1932.<sup>3</sup> But, however desirable it might seem that the measure of popular government established in British India should be extended to the States, they were not regarded as grossly misgoverned merely because this had not happened. So far, therefore, from aiding or abetting agitation for political advance within a State, the Paramount Power held itself aloof and neutral. Nor was it in the last analysis a strict neutrality. For the Paramount Power had undertaken to protect a Ruler's sovereignty against attack from within the State as well as from without. Could it stand inactive, then, if a popular movement, however justified by democratic principles, became so strong as to threaten a Ruler's overthrow?

The dilemma in which the British Government had been placed by its

<sup>1</sup> See Part I, 91.

<sup>2</sup> Section 18 and First Schedule.

<sup>3</sup> The formal deposition was not till 1935.

old-standing agreements on the one hand and by the development of democratic ideas in the Western world and their concrete application to British India on the other was thus evident. It was not so easy to perceive where its duty lay. The Butler Committee defined it in 1929 in the following terms.

The promise of the King-Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Prince against attempts to eliminate him and to substitute another form of government. If these attempts were due . . . not to misgovernment, but to a widespread popular demand for change, the Paramount Power would be bound to maintain the rights, privileges and dignity of the Prince; but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince.<sup>1</sup>

This definition was not officially endorsed, and the statements made by Government spokesmen, during the agitation in 1938 and 1939 to be presently described, were more guarded. The gist of the answers to questions in Parliament as to the Government's attitude towards constitutional advance in the States was that, while the British Government 'would certainly not obstruct proposals for constitutional advance initiated by the Rulers', it had 'no intention of bringing any form of pressure to bear upon them to initiate constitutional changes. It rests with the Rulers themselves to decide what form of Government they should adopt in the diverse conditions of Indian States'.<sup>2</sup> With regard to administrative as distinct from constitutional reform, however, pressure was directly exerted on the Princes. In the course of his address to the Chamber of Princes in March 1939, Lord Linlithgow said:

It is, I am sure, as plain to Your Highnesses as it is to me that it is more than ever essential in present conditions and in this changing world in which we live that the authorities of the Indian States should without exception make it their constant care to watch for and to remedy any legitimate grievances that may exist in the administrative field. Your Highnesses will agree with me that it is, equally, as clearly in the interests of all Rulers as it is their plain and manifest duty, to ensure by their own close personal interest in the affairs of their States, in the work of their officials, and in the daily life of their subjects, that those subjects have cause for content, that they are not allowed to suffer undue exactions either on behalf of the State itself or at the call of unworthy officials, and that all genuine grievances receive prompt and active consideration. It goes without saying that an effective machinery by which the authorities of the States can satisfy themselves that all such complaints can readily reach the ears of the Durbar is an essential necessity in present conditions; and Your Highnesses will all agree with me that it is equally essential that the peoples of the States should feel assured that their wants, their difficulties, and their representations will receive the fullest attention and the fullest sympathy.<sup>3</sup>

Lord Linlithgow also drew attention to the urgent need of administrative co-operation between the smaller States. But he re-affirmed the policy

<sup>1</sup> *Report of the Indian States Committee*, 28.

<sup>2</sup> *Hansard*, H. of C., cccxxii, 4; cccxlii, 2852.

<sup>3</sup> *Proceedings of the Meetings of the Chamber of Princes*, March 18, 1939.



of non-interference on constitutional issues. The Rulers themselves must decide what constitutional machinery was best suited to their States.

This negative attitude does not mean, of course, that the introduction of constitutional government in the States would not be welcomed by British public opinion. The difference between British and Indian India is only accidental: in essential character they are the same. Stage by stage the British Parliament has conceded 'government by the people' in the one. Presumably it would have done likewise, had it possessed the same authority, in the other. But it would not have been quite the same thing. Popular government in British India has meant, so far as it has gone, the replacement of British rule by Indian. Popular government in the States would mean a change from one kind of Indian rule to another.

The attitude of Indian nationalists was naturally less negative or neutral. They suffered from no inhibitions. They had undertaken no obligations towards the Rulers. They had not hesitated to 'suggest such measures as would satisfy' the demand for political advance. Since 1929 the Congress had openly declared that the States should be brought into line with British India by the introduction of responsible government.<sup>1</sup> But up to 1937, under Mr. Gandhi's leadership, the Congress' sympathy with popular agitation in the States had gone no further than that.<sup>2</sup> Criticism of the States' governments had been restrained. Hopes were still expressed that the Rulers would recognise their peoples' rights and do their duty. Meantime the peoples could count on the encouragement of the Congress, but no more. They must fight their own battle without direct or active aid from British India.

But in the autumn of 1937 several reasons combined to bring about a change of attitude. The new constitution, as has been observed, had sharpened the contrast between Provinces and States. Popular Indian Governments were now for the first time side by side with Indian autocracies. And the triumph of the Congress at the Provincial elections had inevitably raised the pitch of its nationalist aspirations. In most of British India the mass of the people had voted for a Congress Raj. Would not the mass of the people in the States follow suit, if only they had the chance? Why should Congressmen in British India refrain any longer from doing all they could to help them? And to give such help would now be easier since the new Provincial Governments were not fettered by the promises and scruples of the old. The interests of the Rulers had been safe enough in British India as long as law and order were under British control; but now, in the Congress Provinces at any rate, it rested with Congress Ministries in the first place to uphold the legal veto on subversive agitation against the governments of the States and only in the last resort could the latter be protected by the Governors' 'special responsibility' for 'the protection of the rights of any Indian State and the rights and dignity of the Ruler

<sup>1</sup> *Congress in Evolution*, 27.

<sup>2</sup> See pp. 4-5 above.

thereof'. And a forward policy was not only easier now, it was more urgent. The federal part of the Act of 1935, though the Congress was pledged to destroy it, had made two things clear: first, that a united India was a nearer possibility than had previously been supposed, and secondly, that the subjection of a united India to a Congress Raj would be less likely as long as the States were free from popular control. For not only under the provisions of the Act but on any broadly representative system the voting power of the States at the Centre *plus* that of the minorities in British India outside the Congress fold would outweigh the voting power of the Congress. The idea that British India could achieve its independence apart from the States had occasionally been aired, but its practical difficulties were obvious, and the only home-made constitution that had yet been framed, the Nehru Constitution of 1928, had assumed that the States would be fitted in to the scheme of a self-governing India.<sup>1</sup> Clearly, then, the States must be liberated, and quickly. The opportunity for attaining national freedom might come at any moment. War in Europe, hinted Pandit Nehru, might provide it. It must not be missed just because the ground had not been prepared beforehand in the States. And there was one more motive for an active policy. To attack the governments of the States was to attack the British Government at its weakest point. It could be represented as upholding an outworn *régime* which would otherwise collapse of itself, upholding it in direct violation of the democratic faith of which it professed to be the champion throughout the world, and upholding it solely for the purpose of retaining what remained of its 'imperial' grip on India.

The foregoing considerations amply explain the change of front towards the States for which Congressmen of the Left had long been pressing. Soon after the Congress Governments had been established an occasion for opening the attack was provided by the action taken in Mysore against a Congress agitator. Though Mysore was one of the more advanced States, a resolution censuring its government in the sharpest terms was carried at the meeting of the A.I.C.C. in October 1937.

This meeting of the A.I.C.C. expresses its emphatic protest against the ruthless policy of repression as indicated by the inauguration of various restrictive and prohibitory orders and political prosecutions launched in the Mysore State and also against the suppression of civil rights and liberties by denying the elementary rights of speech, assemblage and association.

This meeting sends its fraternal greetings to the people of Mysore and wishes them all success in their legitimate non-violent struggle. It appeals to the people of Indian States and British India to give all support and encouragement to the people of Mysore in their struggle against the State for the right of self-determination.<sup>2</sup>

Mr. Gandhi was understood to have disapproved of this resolution, and at the next meeting of the Session at Haripura in February 1938, it was

<sup>1</sup> See Part I, 90-1.

<sup>2</sup> *Indian Annual Register*, 1937, ii, 861-2.

replaced by a longer and more moderate declaration, restating Congress policy towards the States as a whole.

The Congress stands for the same political, social and economic freedom in the States as in the rest of India and considers the States as integral parts of India which cannot be separated. The *Purna Swaraj* or complete Independence, which is the objective of the Congress, is for the whole of India, inclusive of the States, for the integrity and unity of India must be maintained in freedom as it has been maintained in subjection. The only kind of federation that can be acceptable to the Congress is one in which the States participate as free units, enjoying the same measure of democratic freedom as the rest of India.

The Congress (the resolution continued) is not yet able to obtain the liberation of the States by operating itself within their borders. In existing conditions, 'the burden of carrying on the struggle for freedom must fall on the people of the States'. Only false hopes will be raised if they 'rely on extraneous help or assistance or on the prestige of the Congress name'. The Congress as an organisation can only offer 'moral support and sympathy'. 'Individual Congressmen will be free to render further assistance in their personal capacities'; but the Congress Committees, which had now come into existence in the States, must submit to the control of the Working Committee and must not engage in politics under the Congress name.<sup>1</sup>

At first sight this resolution might seem to have been little more than a re-assertion of the old policy of non-interference. But in fact it was markedly more 'activist'. In the first place the support given to popular agitation in the States was more outspoken, and there was no suggestion now that the Rulers would give up any of their power except under compulsion. Secondly, while the Congress as a body would still restrict itself to moral support, the reason given for this self-control was no longer a desire to respect the States' autonomy, but merely a distrust of the Congress' power to make its interference effective. It would act, it might be inferred, as soon as it felt strong enough. Meantime the direct intervention of individual Congressmen was to be permitted and thus in fact encouraged. But this dual policy—moral support and individual intervention—must be properly controlled. The nationalist movement in the States must be kept as far as possible under the same unitary control as in British India.

The Haripura resolution seems to have been generally obeyed, but not in Mysore. There the Congress name was still used, and the Congress flag still flown. And events soon showed that in that State at any rate the Congress was by no means so powerless as the resolution had suggested. In April 1938, confronted with serious disorders in which several lives were lost, the Mysore Government sought a concordat with the Congress 'high command', and, as a result thereof, the 'Mysore State Congress' was officially recognised and it was agreed that it should co-operate with the Constitution or Reforms Committee which the Mysore Government had

<sup>1</sup> *Ibid.*, 1938, i, 299-300.

recently set up to consider the possibilities of political advance, and should fly the Congress flag side by side with the flag of the Mysore State on ceremonial occasions. This success was diplomatically followed up by the Working Committee. In May it passed a resolution restating the Haripura policy on the one hand and expressing on the other the friendly attitude of the Congress towards Mysore and a hope, a polite hope, that responsible government would soon be introduced there.

The 'partial success' of the people of Mysore, said Mr. Gandhi a few months later, had inspired 'a new vision of liberty' in other States;<sup>1</sup> and, aided, no doubt, by individual Congressmen, the agitation for political reform spread widely through the States in the summer and autumn of 1938. There were disturbances, more or less violent, in Hyderabad, in Travancore, in Kashmir and in the small States contiguous with Bombay and Orissa. Throughout this period the forms of the Haripura policy were observed. Mr. Gandhi and the Working Committee continued to denounce the autocratic character of the governments concerned and to applaud revolt against them provided it was 'non-violent'; but there was no 'official' intervention. In the case of the Orissa States, however, the official Congress policy, though not interventionist, was certainly not neutral. The trouble there was serious: in one State troops had to be called in twice to quell disorder: and, while the Congress Government of the adjacent Province of Orissa could scarcely be expected to give active aid to suppress an agitation which it favoured, it was requested at least to prevent the agitation being organised on its own Provincial soil by applying the Indian States Protection Act of 1934. About this time, as it happened, the Punjab Government did bring that Act into force in order to prevent the organisation within the Punjab of agitation in the neighbouring Kalsia State. But the Orissa Ministers, acting, of course, in conjunction with the 'high command', refused to do likewise. Only after the murder of the British Political Agent by a riotous mob early in 1939 did they give any help in keeping the peace.

Towards the end of 1938 the Congress leaders decided to apply the dual policy more vigorously. On December 3, Mr. Gandhi made a new and far-reaching declaration. He acclaimed the awakening of the people in one State after another and declared that there was no halfway house between the total extinction of the States and their acceptance of full responsible government. Provincial Ministries, he said, had a moral duty to take notice of misrule in the States and to advise the Paramount Power as to how it should be ended. Finally he gave a warning that the Congress might be compelled to abandon its policy of non-interference and he advised the Rulers to 'cultivate friendly relations with an organisation which bids fair in the future, not very distant, to *replace the Paramount Power*—let me hope, by friendly arrangement'.<sup>2</sup> On December 14 the Working Committee published a resolution asserting the right of the Congress to protect the

<sup>1</sup> *Harijan*, Sept. 17, 1938.

<sup>2</sup> *Harijan*, Dec. 3, 1938. Italics not in the original.

peoples of the States against the unwarranted use of military or police forces lent by the British Government to combat the legitimate demand for responsible government. The next move in this 'moral' attack was the address delivered in February 1939 by Pandit Nehru to the All-India States' Peoples' Conference of which he had just been elected president. He took occasion to expound the Haripura policy and to extol its results.

All the States are astir, and in many of them powerful mass movements are functioning. The people of the States are rapidly coming into line with the rest of India. . . . The time has come, therefore, for the integration of those various struggles in the States *inter se* and with the major struggle against British Imperialism.

Some of the States, he admitted, were relatively advanced and competently governed, but most of them were 'sinks of reaction and incompetence', and the whole system, 'in spite of its manifest decay and stagnation, has been propped up and artificially maintained by British Imperialism'. Treaties, so easily torn up in Europe, were in this case held to be inviolable. 'We recognise no such treaties and we shall in no event accept them. The only final authority and paramount power that we recognise is the will of the people.' The real conflict, he went on, was not with the Rulers but with the imperial power that protected them. 'This interference in order to crush the popular movement is no longer going to be tolerated by us.' Reviewing the course of the struggle in various States, and especially in Kashmir and Hyderabad, he deplored the emergence of the communal issue, brought about, so he would have it, by the State governments in imitation of their British masters' methods. 'The minorities must realise that it is inevitable that responsible government will come to the States.' That will be part of the 'larger freedom of India' now in sight. 'The time approaches when the final solution has to come—the Constituent Assembly of all the Indian people framing the Constitution of a free and democratic India.'<sup>1</sup>

The other side of the new campaign was started by the personal intervention of two members of the Working Committee in two selected States. Mr. Jammalal Bajaj entered Jaipur in defiance of its government's prohibition. He was arrested and expelled. He crossed the border again with the same result. On his third entry he was placed in detention within the State, whereupon a 'civil disobedience' movement was launched. Discussion followed, and in the course of the summer a settlement was achieved and Mr. Bajaj was released. Meantime Mr. Vallabhbhai Patel had descended on Rajkot and obtained an agreement from its Ruler as to the composition of a committee for framing a scheme of reform. Shortly afterwards, however, a dispute arose as to the terms of the agreement, the Ruler was accused of breaking it, 'civil disobedience' began, and Mr. Gandhi's wife and Mr. Patel's daughter entered the State to court arrest and were arrested. A few weeks later Mr. Gandhi himself proceeded to

<sup>1</sup> The full text of the address is printed in *The Unity of India*, 27-28.

Rajkot, and on March 2 he delivered an ultimatum to the Ruler. Of the nine members of the proposed committee, five, including the chairman, must be local Congressmen selected by himself. If this decision were not accepted within twenty-four hours, he would begin a 'fast unto death'. Mr. Gandhi began his fast on March 3. Next day he sent a message to the Viceroy asking for the intervention of the Paramount Power to secure the fulfilment of the Ruler's original agreement, and the Viceroy suggested, with the Ruler's assent, that the Chief Justice of India (Sir Maurice Gwyer) should be asked to interpret the agreement, whereupon, to the general relief, Mr. Gandhi broke his fast. On April 3 the Chief Justice gave his decision in favour of Mr. Patel's interpretation, under which the Ruler was bound to accept anyone whom Mr. Patel might recommend as a member of the committee. But Mr. Gandhi decided to renounce the award, and no Congressmen were appointed. In the following October the committee's scheme was published, and though it did not satisfy Mr. Gandhi, most of the local reformers acquiesced in it. Thus the Congress had scored one more 'partial success'.

Meanwhile agitation on a graver scale had broken out in Travancore, Kashmir, and Hyderabad. In all three States the conflict had taken that communal colour which Pandit Nehru deplored, and this was a serious matter in the two larger ones, since in Hyderabad the Nizam and the ruling class are Moslems and 85 per cent. of their subjects Hindus, and in Kashmir the Maharajah and the ruling class are Hindus and 76 per cent. of their subjects Moslems. It was, no doubt, the growing bitterness of communal feeling and also, perhaps, a doubt as to whether the 'high command' could prevent the 'non-violent' revolt it had encouraged from degenerating into violent disorder that accounted for Mr. Gandhi's decision to call off the new campaign in the spring of 1939. In March he recommended the suspension of 'civil disobedience' in Jaipur and its postponement in Travancore. In May he expressed his regret for his 'coercive' conduct in Rajkot and he apologised to the Viceroy and the Ruler and other people concerned. In June he advised the abandonment of 'civil disobedience' in Travancore in order to avoid popular violence and to pave the way for an honourable understanding with the authorities. He was unlikely, he added, in the near future to recommend mass 'civil disobedience' anywhere. Individual action, fully disciplined and genuinely 'non-violent', would be more effective. Meantime reformers in the States should moderate their immediate demands, if necessary, in order to hasten the advance to the final goal.<sup>1</sup>

This *volte-face* was generally believed to have surprised and dismayed some of Mr. Gandhi's colleagues, and especially Pandit Nehru: but the effect of the Mahatma's wishes proved as potent as ever. The agitation rapidly subsided in almost all the areas of disturbance except Hyderabad where the Arya Samaj, protesting that Hindus in the State were denied

religious liberty, and the Mahasabha, more concerned with politics than religion, continued to organise the invasion of the State by 'civil disobedience' volunteers. The bases of this campaign lay in the Provinces which encircle Hyderabad, and the 'high command' seems to have refrained from imposing a uniform policy on their Congress Governments. Fearing, no doubt, the spread of communal excitement within its own frontiers, the Bombay Government was relatively firm. The volunteers were ordered away from their bases near the Hyderabad border. The Premier of Madras once more provoked the criticism of the Hindus of the Left by proscribing meetings and suppressing pamphlets. In the Central Provinces, where the mischief-makers were most numerous and their language most intemperate, two members of the Arya Samaj were prosecuted for incendiary speeches, but nothing more was done to check the agitation. When a number of students were expelled from the Hyderabad State University for indiscipline, they were promptly admitted into Nagpur University. It was mainly, therefore, from this Province that the invasion was continued. By the end of April no less than 3,500 volunteers, most of them from British India, had been arrested and imprisoned. In the summer the long-awaited scheme of reform was published by the State Government. It was not a liberal scheme, but at least it was an advance on the existing régime of almost pure autocracy, and hostilities were suspended. On the issue of a further conciliatory statement in August, 'civil disobedience' was finally abandoned.

To sum up the achievement of the Congress in its two-year campaign it might be said that the 'partial success' with which it started in Mysore had attended it throughout. The autocratic system had been pressed hard and in several States it had yielded ground.<sup>1</sup>

At the head of the advance was the little State of Aundh in the Deccan, 501 square miles in area; whose Ruler promulgated an original and distinctly liberal constitution setting up an indirectly elected Legislative Assembly with full control over half the revenue. Ministers were to be chosen from its members and would have to resign on a vote of no-confidence. The Ruler could veto or 'postpone' a bill, but, if the Assembly persisted with it after three rejections and presented it a fourth time, the Ruler must accept it.

In Cochin and Rajkot dyarchy was established. The Legislative Council, of which two-thirds were elected under the existing constitution, was given full powers of legislation and expenditure on all but certain 'reserved' subjects which included law and order; all other subjects were to be entrusted to a minister or ministers chosen from the Council and responsible to it.

The new constitution of Mysore lowered the franchise for the Representative Assembly so as to treble the rural vote and united it with the

<sup>1</sup> A summary of the constitutional and administrative position in the States in 1942 by the Chancellor of the Chamber of Princes will be found in Appendix IV, p. 330 below.

Legislative Council to form a bicameral legislature. Previously little more than a *darbar*, the Assembly was now empowered to discuss in principle, though not to amend, all legislation submitted by the Council. Half the 48 members of the Council were now to be elected: of the nominated half 16 were to be officials. The powers of the Council in legislation, including the budget, were unchanged, the government retaining the right to 'restore' rejected grants and to legislate by ordinance on reserved subjects and any urgent matter. Apart from the extension of the franchise the most liberal feature of the new constitution was the introduction into the government, which was now to consist of the *Diwan* and not less than four ministers, of two ministers selected from the non-official members of the legislature. The government, however, was to be unitary, not 'dyarchic', and no rule was laid down as to votes of no-confidence and resignation.

New constitutions were also promulgated in Baroda, Gwalior and Indore. All three were more or less on the Mysore model, but only in Baroda was provision made for non-official ministers.

In the large but politically backward States of Kashmir and Hyderabad the vital point in the development of representative government—an elected majority in the legislature—was conceded outright in the one and very nearly in the other. In Kashmir 40 out of 75 members of the Assembly, in Hyderabad 42 out of 85, were now to be elected. Both Assemblies were now empowered with certain reservations to discuss legislation, including the budget. But both governments reserved the right of veto and 'certification'. An interesting novelty in Hyderabad was the institution of Advisory Committees on agriculture, education, finance, public health and other subjects.<sup>1</sup> In Hyderabad, too, a beginning was made with local self-government. Municipal and District Advisory Boards were to be set up with elected majorities and limited powers of taxation. *Panchayats* for minor local purposes were also to be gradually established.

In Rampur the legislature, which had hitherto consisted of only 14 members with an official majority, was enlarged to 34 members, of whom half were to be elected. As to the powers of the legislature and in such other matters as the creation of Advisory Committees and District Boards, the Rampur constitution followed the new Hyderabad pattern.

In Rajputana, finally, a first attempt was made to deal with the difficult problem of the feudatory landlords or *jaghirdars*, whose lands in many States constitute the greater part thereof. In Jodhpur their separate powers in the field of law and order were brought under a measure of State control. Advisory Committees, central and local, and *panchayats* were also established in Jodhpur, and Advisory Committees in Bharatpur and Jaipur.

The forward school of Congressmen were by no means content with these 'partial successes'. And certainly they were not spectacular. Only

<sup>1</sup> The treatment of the communal question and the introduction of 'functional representation' in Hyderabad will be mentioned in Part III.



the Ruler of little Aundh, who was naturally singled out for commendation by the Congress leaders, had established a measure of self-government comparable with, but by no means equal to, that of the Provinces under the Act of 1935. It must be remembered, however, that in most cases the advance was almost from the starting-point of pure autocracy, and *c'est le premier pas qui coûte*. Two years' agitation had set going a widespread movement. If pressure were renewed and sustained, the pace would surely quicken, as it had quickened since 1909 in British India.

Unhappily the prospect was darkened, in the States as elsewhere, by the old black shadow of communal strife. Anyone, indeed, who attempts an impartial study of Indian politics cannot fail to be impressed by the emergence of militant communalism in some of the larger States just at this time. For the States had hitherto been relatively free of the eternal quarrel, the chronic rioting and bloodshed, from which British India had perpetually suffered; and Indian nationalists had often pointed to the peaceful States as testimony that communalism in the Provinces was deliberately stimulated by a 'satanic' British Raj to obstruct the progress of self-government. To some Congressmen the outbreak in the States seemed no disproof of this terrible charge. On the contrary, said Pandit Nehru, the governments of some of the major States had been 'apt pupils of British Imperialism'. 'They have learnt the art of utilising communal differences to check popular movements.'<sup>1</sup> But surely, even if the charge were true, the difficulty would remain. Communal passion is there to be utilised; and it needs no artificial stimulus when a struggle for power has begun. That, of course, is what had now happened in the States as it had happened a little earlier in British India. And in Hyderabad and Kashmir it was a more revolutionary struggle. For generations their Rulers had maintained a governing class of their own faith; nor, since they were autocrats, could this be questioned by their subjects, though the great majority of them adhered to the other creed. But now autocracy, it was said, was doomed: responsible government was 'inevitable': the first steps were actually being taken which, short though they might be, were along the path to 'majority rule'. And majority rule must mean a political and social revolution: the power, the prestige and the emoluments of government would pass from one community to the other. More directly, therefore, in those States than in British India where the ruling class had previously been neutral, political progress was bound to provoke a communal conflict.

<sup>1</sup> *The Unity of India*, 41.

## CHAPTER XVII

### THE MOSLEM REACTION

#### I. THE CONGRESS AND THE LEAGUE

THE attitude of the Congress 'high command' towards the communal problem was determined by the same strategy as their attack on the government of the States. If the survival of autocracy in Indian India was one of the two major obstacles to the attainment of their ideals of Indian freedom, the other was the refusal of the minority communities in British India and in particular of most of the Moslem leaders to accept the Congress claim that it represented all the nationalists of India and was entitled to the sole succession to the British Raj. On both fronts they took their triumph at the polls as the signal not for a policy of compromise and conciliation but for a bold attack. Their hold on public opinion in most of British India had been shown to be stronger than they had supposed. They felt themselves to be riding on a wave of nationalist and democratic enthusiasm; and they decided to use its force, before the tide slackened, in an attempt at once to undermine the power of the Princes and to overrun the opposition of the Moslems. On the one front the result, as has been seen, was a measurable, though not a spectacular, success; on the other it was a disastrous failure.

It is easy to be wise after the event, and, if the Congress leaders' decision on the communal issue may have been to some extent inspired, as their critics put it, by the 'intoxication of victory', it was not, in all the circumstances of the time, an unnatural decision. To come to terms with the Moslem League, in the first place, was a negation of the totalitarian doctrine which had now taken so firm a hold on Congress minds. The Congress was the only 'national' party: it had many Moslems in its ranks: it had had Moslem Presidents in the past and was soon to have another:<sup>1</sup> all the official bodies from the Working Committee downwards had their due quota of Moslem members. If the Moslems of the League desired to take their full share in the attainment and enjoyment of *Swaraj*, they should join the Congress. Their only reason for not doing so, it was argued, must be the small-mindedness of Moslem politicians who jealously refused to share their leadership with others in the cause of Indian freedom. The Congress, secondly, claimed to be the only effective instrument of social progress. Compared with it, the League was a conservative, if not a reactionary body: it had attempted no organised research on social problems: its constructive programme was little else than a copy of the great Congress programme which only its authors had the power to execute and in the fruits of which the Moslem masses would share equally with the

<sup>1</sup> Maulana A. K. Azad was elected President in March 1940 and, as no election has since been held, he still retains the office.

Hindu. Not only for *Swaraj*, then, but for the uplift of the people Moslems should work inside the Congress, not outside it and against it. And, thirdly, there was a more concrete argument based on the political facts at the time. In all but one of the Congress Provinces,<sup>1</sup> the Moslems were relatively small minorities—14 per cent. in the United Provinces, 12 in Bihar, 8 in Bombay, 6 in Madras, 3 in the Central Provinces, 2 in Orissa. They had greater weight, it is true, than these small numbers might suggest, especially in Northern India, where they were concentrated in the towns and in contact with neighbouring majorities in the Punjab and Bengal. But the moral strength which local minorities might draw from the knowledge that they belonged to an all-India community which now numbered about 90 millions was not reflected in political organisation. There was no Moslem party at that time which could truly claim to represent the bulk of Moslem India. The League was certainly the strongest, but its strength lay in the Hindu-majority Provinces. Little was known of it on the Frontier. Its weakness in Bengal, the Punjab, Assam, and Sind was betrayed by the fact that neither the Moslem Premiers of those Provinces nor the bulk of their Moslem supporters in their legislatures were then members of it. It could not hope, indeed, to fight the Congress on anything like equal terms. In organisation, in machinery for publicity, in financial resources it was immeasurably poorer. Most of the Hindu daily newspapers published in English and readable therefore in any part of India were either controlled by the Congress or more or less reflected its opinions. In 1937 there was only one Moslem English daily, the *Star of India*. Nor had the League attempted to win the same sort of hold over the Moslem masses of the countryside as that which the Congress, thanks to its army of keen young workers, the eloquence of such spokesmen as Pandit Nehru and, above all, the prestige of Mr. Gandhi, had won over the Hindu masses. In a village of any size in the North there was a Congress agent and an office flying the Congress flag. There was no such ubiquitous and systematic leadership for the Moslem peasantry. Thus, for the Congress to recognise so small and weak an organisation and to take it into partnership not only meant a sacrifice of totalitarian principles: it seemed in 1937 a wholly needless sacrifice. The League's help was not wanted. Was it not wiser for the Congress to use all its new power and fame in an effort to overwhelm or absorb it?

That, at any rate, was the decision taken. Two moves resulted. First, the formation of coalitions with the League or any other party in any Province was ruled out as described in previous chapters. Second, renewed efforts were made, particularly in the United Provinces, to bring the scattered Moslem villagers within the Congress fold. The arguments used in this 'mass-contact' campaign, as it was called, were simple and cogent. The Congress Raj had now been established in the Province as it would be

<sup>1</sup> The exception was the North-West Frontier Province which was a peculiar case: see pp. 121-3 above.

over India as a whole before long, and there was no hope of overthrowing it. There might be reason for anxiety in that for self-seeking Moslem politicians but not for the Moslem poor. The real issue was not communal. The cry that Islam was in danger was a baseless slander, fabricated by those politicians for their own factious ends. Congress was non-communal, and under its auspices the religious rights of the Moslems would be scrupulously protected. The real issue was social and economic, and the Congress, not the landlords and lawyers of the League, was the champion of the poor. Already it was hard at work at its new agrarian reforms, and there were more to come. They were intended for Moslem countryfolk as much as Hindu, but the former would be wise to make sure of their full share in the blessings of the new *régime* by joining the Congress party. There were arguments, too, for Moslems of a higher social status, arguments so obvious that they scarcely needed to be put into words. Political power with all the patronage and influence it implied was now exclusively in Congress hands, and there it would remain. True to its principles, the Congress would not deny a fair share of its appointments from ministerial office downwards to the Moslem minority, but it could not be expected to bestow them on any but Congress Moslems. For a Moslem to stay in the League, therefore, was to condemn himself to a lifetime in the wilderness. Let him make the other choice, and make it at once while the door was still open. If he were unwilling to become an out-and-out Congressman, let him at least join one of the sectional Moslem parties, such as the Ahrars, which were at feud with the League and willing to work with the Congress.

Such aggressive tactics were, of course, impracticable in the Moslem-majority Provinces. All that the Congress could do there was to try to weaken the non-Congress Ministries by aiding their opponents and widening the fissures in their supporters' ranks. But, if the League could be broken in the Congress Provinces where it was strongest, it would lose all influence in the rest, and there was no other Moslem organisation capable of enlisting all Moslem India in a common front. Already the North-West Frontier Province had joined the Congress camp. If that was too much to expect of Bengal and the Punjab, surely their leaders could be persuaded, once they found themselves alone, to accept the safeguards offered by the Congress and acquiesce—what else could they do?—in the coming Congress Raj.

Meantime the 'high command' took occasion to assure the minorities once again that their interests were safe in Congress hands. At its meeting in Calcutta at the end of October 1937 the Working Committee, in reply to Mr. Jinnah's attack at Lucknow to be mentioned presently, passed the following resolution which was adopted in due course by the A.I.C.C.:

The Congress has solemnly and repeatedly declared its policy in regard to the rights of the minorities in India and has stated that it considers it its duty to protect these rights and ensure the widest possible scope for the development of these minorities and their participation in the fullest measure in the

political, economic and cultural life of the nation. The objective of the Congress is an independent and united India where no class or group or majority or minority may exploit another to its own advantage and where all the elements in the nation may co-operate together for the common good and the advancement of the people of India.<sup>1</sup>

The resolution went on to recite those clauses of the declaration on Fundamental Rights adopted at the annual Session of 1938 which guaranteed religious and cultural freedom and equality to all citizens of India.<sup>2</sup>

At the outset the 'mass-contact' movement seemed to be going well. A substantial number of Moslems were induced to join the party. But, as time went on, it became clear that the result of the Congress leaders' refusal to share their power with the League was not what they had hoped. Instead of losing heart and yielding to the force of numbers, the League was fast becoming stronger and more self-confident than it had been before. Both in the countryside and in the towns it was conducting a formidable campaign against the 'Congress Raj'. The 'mass contact' movement presently ceased to make headway. The Congress leaders had underestimated, it seemed, the strength of Moslem religious feeling and had failed to take account of the fact that a Moslem's religion pervades all his life, including his politics. As it was, the *mullahs* of the countryside were soon up in arms against the Congress propagandists, usually Hindus and often youngsters, who challenged their authority: it was blasphemy, they told their flocks, to say that politics was a purely secular affair, and they reawakened in them all their old suspicions of Hindu intentions towards their faith. With the townsmen and professional classes, too, it seemed, the Congress leaders had made a mistake. It was natural, perhaps, to expect the Moslem intelligentsia to bow to the logic of numbers, and, since they must always be a minority, to make the best and quickest settlement they could with the majority: but logic is not by any means the strongest force in life, and, instead of submitting to the victors, the leading Moslem politicians closed their ranks and defied them. When the League met in conference at Lucknow in October 1937, Mr. Jinnah at once denounced the Congress for pursuing an exclusively Hindu policy which was bound to intensify communal antagonism and thus to strengthen the hold of 'British imperialism' on India. 'Moslems', he declared, 'can expect neither justice nor fair-play under Congress government.'<sup>3</sup> And that Mr. Jinnah was now speaking for Indian Moslems with greater authority than ever before was at once apparent. The Moslem leaders in the two chief Moslem-majority Provinces had decided to put their weight behind the League. On the day of Mr. Jinnah's speech Sir Sikander Hyat Khan announced that he was advising all the Moslem members of his Unionist Party in the Punjab to join the League, and shortly afterwards Mr. Fazl-ul-Huq and Sir Muhammad

<sup>1</sup> *Indian National Congress, 1936-37* (Allahabad, 1936), 71-2.

<sup>2</sup> The full text of the declaration is given in Appendix V, p. 381 below.

<sup>3</sup> *Indian Annual Register, 1937*, ii, 143.

Saadulla made similar declarations in Bengal and Assam. The action of these Moslem Premiers did more than any speeches to put new life into the League. About this time a Congress *versus* League contest at a by-election in the United Provinces was won by the Congress, but the three similar contests which quickly followed were all won by the League. Meanwhile the League was fighting the 'mass-contact' campaign on its own ground, building up at last a rival organisation in the rural areas, hoisting its green flag over against the Congress tricolor in the village street. Within two or three months after the Lucknow Conference over 170 new branches of the League had been established, 90 of them in the United Provinces and 40 in the Punjab. No less than 100,000 new members were said to have been enlisted in the United Provinces alone. Scarcely less important, since nowhere are politics more personal than in India and nowhere is leadership more eagerly desired and loyally respected, was the swift and striking growth of Mr. Jinnah's authority. Always in the forefront of Indian politics, he had hitherto failed to command the confidence of his community as a whole. He had been a sectional rather than a communal leader, a man of the Left, the exponent of a forceful anti-British nationalism which had seemed to conservative-minded Moslems to show that he was dangerously 'Congress-minded'. But now he was no longer one of several Moslem leaders: he was fast becoming *the* leader. Wherever he went he was greeted by great enthusiastic crowds as the personification of the communal pride and pugnacity which had been awakened by the Congress victory and the use the victors had made of it.

The Congress leaders seemed slow to realise the full force of the reaction they had provoked. During the winter of 1937-8 they continued to preach the doctrine of a single national movement in which patriotic minorities should fearlessly participate. In January Pandit Nehru repeated once more the Congress promise of fair-play—they were ready, he said, 'to go beyond justice to the minorities in order to inspire confidence'<sup>1</sup>—and at the Session held at Haripura in February he moved and carried the following resolution.

The Congress approves of and confirms the resolution of the Working Committee on Minority Rights passed in Calcutta in October 1937, and declares afresh that it regards it as its primary duty and fundamental policy to protect the religious, linguistic, cultural and other rights of the minorities in India so as to ensure for them in any scheme of government to which the Congress is a party the widest scope for their development and their participation in the fullest measure in the political, economic and cultural life of the nation.

But the resolution went on to make it clear that the minorities were expected to seek their protection within the Congress fold.

The Congress welcomes the growth of anti-imperialist feeling among the Muslims and other minorities in India and the growing unity of all classes and communities in India in the struggle for India's independence which is essentially one and indivisible and can only be carried on effectively on a united

<sup>1</sup> *Hindustan Times*, Jan. 8, 1938.

national basis. In particular the Congress welcomes the large numbers of members of the minority communities who have joined the Congress during the past year and given their mass support to the struggle for freedom and the ending of the exploitation of India's masses.<sup>1</sup>

The new strength of the League, however, was not entirely ignored, and an attempt was made in that spring to explore the possibilities of an agreement by means of the so-called 'unity talks'.<sup>2</sup> Mr. Jinnah corresponded with Pandit Nehru and had a long conversation with Mr. Gandhi. A discussion followed between Mr. Jinnah and Mr. Subhas Bose who had now succeeded Pandit Nehru as President of the Congress. But nothing came of these personal contacts, and by the end of July the negotiations had broken down on a straight issue. Mr. Jinnah had made a claim which he would scarcely have ventured to make a year before. He had insisted that the Congress should recognise the League as the only organisation representing Indian Moslems. To that, it need hardly be said, Mr. Bose had not agreed. Thereafter the temperature of the dispute rose steadily. The attitude of the Congress leaders was restrained; their letters in the published correspondence were courteous and friendly; but Mr. Jinnah was more militant. 'Evidently', he told Mr. Gandhi, 'you have not been following the course of events.' 'You prefer talking at each other,' he wrote to Pandit Nehru, 'whereas I prefer talking to each other.'<sup>3</sup>

As the year went on, the breach grew wider. At a Provincial League Conference at Karachi in October 1938, attended by Mr. Jinnah and the Moslem Premiers of the Punjab and Bengal, resolutions were carried applauding the achievements of the Provincial 'League Ministries' as they were now called, and condemning the 'nefarious propaganda' conducted by the Congress against them.<sup>4</sup> The annual Session of the League at Patna in December was still more bellicose. It was a crowded and enthusiastic meeting—proof in itself of the vigour and self-confidence which the League had gained from its growing strength throughout the country—and, if its tone was nationalist in the sense that it was anti-British, it was still more anti-Congress. There was a worse enemy, it seemed, to India's progress than British 'imperialism'. All hope of communal peace, said Mr. Jinnah, whose re-election as President was unopposed, had been wrecked 'on the rocks of Congress Fascism'.<sup>5</sup>

## II. THE WIDENING OF THE GULF

The quarrel with the League destroyed any such chance as the Congress leaders may have had of convincing the Moslems that their rights and interests were safe in Congress hands. In any case there was bound to be communal trouble. It had been a constant feature of the Indian scene for a long time past. It would not be diminished by the virtually complete

<sup>1</sup> *Indian Annual Register*, 1938, i, 299.

<sup>2</sup> See *Nehru-Jinnah Correspondence* (Allahabad, 1938).

<sup>3</sup> *Correspondence between Mr. Gandhi and Mr. Jinnah, etc.* (Bombay, 1938), 1, 8.

<sup>4</sup> *Times of India*, Oct. 12, 1938.

<sup>5</sup> *Indian Annual Register*, 1938, ii, 344.

transfer of the control of law and order from British to Indian hands: on the contrary it was likely to increase. Time and again the Congress leaders had told the Moslems that they had nothing to fear from a Congress Raj, but there was small chance of such assurances being trusted unless the Moslem politicians trusted them and said so. Only if the men who possessed or could obtain the confidence of the Moslem masses were willing to work in unison with the Congress leaders in the cause of communal peace could the Congress Governments hope to convince the minorities that the Congress Raj was not in fact a Hindu Raj. Such hopes were doomed by the renewal of open warfare with the League, and it was fiercer warfare now and with a stronger League. In such an atmosphere it was useless for Ministers to reiterate their good intentions, especially when their policy in big things like the refusal of coalitions and the 'mass-contact' campaign and in small things like the hoisting of the Congress flag and the singing of the 'national anthem' were at the best so open to misconstruction. In such an atmosphere, too, the old contention that Moslems were unfairly treated—under-represented on local bodies, starved of educational opportunities, restricted in their use of Urdu and so forth—gained new force, and the symptoms of communal tension, the quarrelling and rioting and killing, put on a new complexion. No one under the old régime had seriously questioned the Government's neutrality in this perennial conflict. Now it was directly charged with favouring the Hindu side. Every instance of communal trouble was scrutinised and written up and put on record, and in due course they were all listed and published as a formal indictment of the Congress Governments.

The first of those publications was the *Report of the Inquiry Committee appointed by the Council of the All-India Muslim League to inquire into Muslim Grievances in Congress Provinces*. It was published at the end of 1938 and became known as the *Pirpur Report* from the name of the chairman of the committee, Raja Syed Mohamad Mahdi of Pirpur, a descendant of the old Mogul aristocracy in the United Provinces. It is a well-written and clearly argued statement of the Moslem case, the more effective because of its restraint. It includes a summary account of events in all the Congress Provinces except the North-West Frontier Province, based on personal inquiries made by the Committee; but this is relegated to the last part of the Report and the cases of alleged persecution or injustice are not described in sensational or provocative language. The main body of the Report takes wider ground. It attacks the Congress 'closed door' policy and cites it as proof that parliamentary government as practised in Britain is unworkable in India. 'The Muslims think that no tyranny can be as great as the tyranny of the majority.' It is not only a question of their religious and cultural freedom: they must obtain their due share in the government of the country. The Congress has denied them this—it has tried, indeed, to break the political power of the Moslems by the old device of 'divide and rule'—and at the same time has shown that without it Moslems have



no hope of justice. Their share of public appointments, Provincial or local, is not in proportion to the size and importance of the community. If they cannot obtain fair treatment from the Ministers, still less can they obtain it from the 'parallel government' established by the Congress committees throughout the Provinces. The flag, the anthem, the reverence paid to Mr. Gandhi, the emphasis laid by the Mahatma himself on 'cow protection'—all these are evidence of a deliberate and far-reaching attack on the civic and cultural rights of the Moslem community, but its most insidious feature is the attempt to extend the use of Hindi at the expense of Urdu. 'When a small country like Switzerland can afford to impart education in three languages, surely more than one language can be taught in an Indian Province.'<sup>1</sup>

Another indictment was the *Report of the Enquiry Committee appointed by the Working Committee of the Bihar Provincial Muslim League to enquire into some grievances of Muslims in Bihar*,<sup>2</sup> published in March 1939 and known as the *Shareef Report* from the name of its draftsman, Mr. S. M. Shareef. The preface by Mr. S. A. Aziz, President of the Provincial League, maintains the temperate style of the *Pirpur Report*. 'The religious and fanatical outbursts of former days', he writes, 'seem to have developed into a religious-political aggression on a wider and more dangerous scale', but he pleads that the situation can still be saved if the leaders of both the Congress and the League will undertake a concerted campaign of preaching and propaganda to convince the ignorant masses of both communities that they must observe the principle of mutual toleration. The body of the Report sounds a different note. It consists for the most part of a full description of the 'atrocities' perpetrated by Hindus in various places in Bihar. Repulsive details are recounted, repeated and italicised with the deliberate object, it would almost seem, of infuriating any Moslem who might read them.<sup>3</sup> Nor is it only Ministers or local Congress leaders who are charged with a policy of persecution. The administrative and judicial services are almost equally vilified: the police are accused of a persistent anti-Moslem bias and magistrates of passing absurdly lenient sentences on Hindu breakers of the peace. A casual reader of the pamphlet might be forgiven for supposing that something like a reign of terror had been established in Bihar. 'Muslims will have to decide soon whether they should migrate from this Province or face annihilation.'<sup>4</sup>

A third formal indictment of the Congress Governments was made soon after their resignation in a statement issued to the Press and republished in pamphlet form by Mr. Fazl-ul-Huq in December 1939. It was entitled *Muslim Sufferings under Congress Rule*<sup>5</sup> and furnished with a somewhat rhetorical introduction. Congress policy, wrote Mr. Huq, had set the stage

<sup>1</sup> *Report*, 2-3, 7-10, 15-31, 54.    <sup>2</sup> Patna, 1939.    <sup>3</sup> See *Shareef Report*, 13, 28-9, 31-2.

<sup>4</sup> Quoted from a resolution of the Working Committee of the Provincial Muslim League; *ibid.*, 96.

<sup>5</sup> Calcutta, 1939.

for the blatant arrogance of the militant Hindu to burst the bounds of restraint which non-partisan Governments had hitherto imposed. . . . They set about to impose their will on the Muslim minorities. And what was their will? . . . 'Mother cow' must be protected. . . . Muslims must not be allowed to eat beef. . . . The religion of Muslims must be humbled because was not this the land of the Hindus? Hence the forbidding of *azan* [the call to prayer], attacks on worshippers in mosques, the insistence on the triumphant passage of noisy processions before mosques at prayer time. . . . Was it strange, then, that tragedy followed tragedy? . . .

There followed a description of 72 incidents in Bihar and 88 in the United Provinces and a more summary account of similar events in the Central Provinces. Broadly speaking they illustrate the general charges made in the introduction. Cow-sacrifice is prevented in villages where it had long been customary. Moslem butchers are assaulted. Pigs are thrown into mosques. The *azan* is denounced and interrupted. Moslem shops are boycotted. Moslems are prevented from using the village well. They are attacked irrespective of sex or age. . . . Two features of the record as a whole are worth noting. First, the 'sufferings' seem mostly to have been undergone by small and isolated groups of Moslems in remote villages. In the towns they were strong enough, it seems, to give as good as they got. Second, official intervention is again represented as biased in favour of the Hindus. Several cases are cited of the restoration of peace by means of a so-called 'compromise' which in fact, it is alleged, was a pro-Hindu settlement imposed by the weight of authority on a helpless Moslem minority.

All these documents were brushed aside by the Hindu Press with more or less contempt or ridicule. The official rejoinder was more carefully considered. On various occasions the Moslem allegations were denied or the incidents otherwise interpreted by Ministers in their legislatures. The Bihar Government published a reasoned reply to the *Pirpur Report*.<sup>1</sup> After summarising the Government's attempts to further Moslem interests in the Province by nominating Moslems to official posts, by expenditure on Moslem education and by grants and other concessions to Moslem institutions, it answered the charges point by point. As regards cow-sacrifice Congress Ministers had 'made no change whatever in the traditional policy of previous Governments': they had permitted it where it was an established right—a number of cases were cited in which Hindus had been prosecuted for forcible attempts to prevent Moslems exercising this right—but they had discouraged it where it had not hitherto been customary. The same applied to processions and music. Like its predecessors, the Government had not interfered with traditional usage unless compelled by serious danger of disorder. The allegations of unfair conduct in the suppression of rioting were denied: the police had treated peace-breakers with strict impartiality. Statistics were given to show that Moslems were not

<sup>1</sup> Three 'press notes', republished in a pamphlet: Government Department of Information, Patna, 1938.

inadequately represented on local bodies. The use of the 'national flag' and *Bande Mataram* was mainly ascribed to students who 'in the exuberance of enthusiasm' wanted 'to celebrate the dawn of what they thought a glorious day'. Government's action was purely permissive. It had removed the previous ban on the flag and the song, leaving local bodies and the managers of colleges and schools and other institutions to do what they chose. Lastly, so far from discouraging Urdu, the Government had extended the optional use of it in the Courts.

It would need a full inquiry on the spot by a neutral commission to determine the rights and wrongs of this controversy. One thing, however, can be stated with some certainty. The Congress Governments as a whole wanted to be just to the minorities. There is high and impartial authority for that in the United Provinces where the quarrel was at least as bitter as in Bihar. Writing after his retirement at the end of 1939, the Governor (Sir Harry Haig) said:

In dealing with communal issues the Ministers, in my judgment, normally acted with impartiality and a desire to do what was fair. Indeed, towards the end of their time they were being seriously criticised by the Hindu Mahasabha on the ground that they were not being fair to the Hindus, though there was in fact no justification for such a criticism.<sup>1</sup>

Similar comment has been made on other Congress Ministries, and there is nothing surprising in it. The Congress leaders, as has been seen, had repeatedly insisted on the non-communal character of the Congress, and they were bound to try to prove that communal neutrality was not an exclusively British virtue. It must be remembered, too, that there were Congress Moslem Ministers, who, whatever members of the League may have thought of them, could scarcely be credited with lending themselves to a deliberate policy of Moslem persecution. And, apart from all that, the new Governments, it is safe to say, did not want the worst and most dangerous of all the difficulties with which the old Governments had had to grapple to become still more difficult under their administration. Would the 'high command' have taken the quick decision it did take as to the League if it had foreseen the consequences? As it was, the genuineness of the Congress Ministers' anxiety at the growth of communal antagonism during their period of office was unmistakable. The frankness with which in the end they faced it and the repressive measures they took against incendiaries in either camp have been recorded in Chapter XII.

So much is certain. It is also certain that, while Moslems may have been aggressive where they felt themselves strong enough, all the incidents complained of were not, as was sometimes suggested in Congress quarters, the result of provocation by agents of the League. It seems more probable that much of the trouble in out-of-the-way places was caused by the behaviour of those irresponsible 'cocks of the walk' who regarded themselves as the

<sup>1</sup> *Asiatic Review*, July 1940, p. 428.

local instruments of the Congress Raj.<sup>1</sup> It seems probable, too, that Hindus in general felt more inclined to assert themselves, more ready to question Moslem rights, now that the Government to which they would have to answer for their conduct was a mainly Hindu Government. But in any event the controversy is not of major importance because the incidents in dispute cannot by themselves account for the strength and scope of the Moslem revolt. They were not very numerous considering the vast areas concerned: many of them were of a relatively trivial character: and similar incidents had been occurring from time to time for many years past. Their importance lies mainly in the fact that the publicity given to them served still further to weaken the chance—a poor enough chance in any case—of the Congress Raj being generally credited with anything like the communal neutrality of the previous *régime*.

Among the Moslem intelligentsia it was not only the so-called 'atrocities' and the inferences drawn from them that inspired a new sense of danger and a new determination to resist it. Minority sentiment, as Europe well knows, is primarily a cultural matter: the battles it provokes are mostly fought in the field of education; and, while Moslems had always been aware of their weakness in this field, they seem to have become in those critical years more acutely conscious of it and more seriously alarmed as to what the ultimate upshot would be if the requisite counter-measures were not taken in time. A more significant document than any of those just reviewed was the Report of the Kamal Yar Jung Education Committee. This Committee was not a political body: it owed no allegiance to the League: it was appointed by the All-India Moslem Educational Conference at its fifty-second session at Calcutta at the end of 1939, and it consisted mainly of distinguished Moslem educationalists with Nawab Kamal Yar Jung Bahadur in the chair. Its task was to survey the educational system throughout India and to frame a scheme for Moslem education with a view to 'the preservation of the distinctive features of their culture and social order'. In the course of the following year the various Provinces and the leading States were visited by a touring subcommittee, led by Sir Azizul Huque, Speaker of the Bengal Legislative Assembly and Vice-Chancellor of Calcutta University.<sup>2</sup>

The Report was published in the spring of 1942. It drew a sombre picture of the position of Moslem education in all its branches. In the universities and colleges the proportion of Moslem students was too low, the place accorded to Moslem studies in the curriculum too small, and the opportunities for advanced research in Moslem history and culture quite inadequate. Moslem secondary schools were generally inferior: their teaching suffered in particular from old-fashioned or unsuitable textbooks. But the most im-

<sup>1</sup> See p. 108 above.

<sup>2</sup> Sir Azizul Huque came to London in 1942, having been appointed High Commissioner for India.

portant stage of education is that at which the younger generation is most impressionable; and Moslem interests, it was alleged, were steadily losing ground in the field of primary education. Urdu schools were being closed or amalgamated with Hindi schools. When a group of schools was opened, far too small a proportion of them were Urdu.<sup>1</sup> But more alarming than such maladministration of the old system was the character of its new development in the Congress Provinces. The most striking feature of the Report was its criticism of the 'Wardha Scheme' of elementary education which, as recorded in Chapter XIII, had been launched with so much energy and enthusiasm by the Congress Governments.

In the eyes of the Committee the scheme appeared at its worst in the form adopted in the Central Provinces—the *Vidya Mandirs*. True, the author of the *Vidya Mandirs* was a Moslem, Dr. Zakir Husain, whose ability and integrity were not questioned, but he was a Congress Moslem and credited with a desire to submerge the specifically Moslem culture in a single Indian culture. The Moslem minority in the Province had opposed the plan from its outset, but they only numbered 8 per cent. and their protests had been overridden. When, at the very end of the Congress régime, a bill confirming and regulating the *Vidya Mandirs* was introduced in the Assembly it was opposed by every Moslem member in the House and by a few Hindus, including Dr. Khare: nevertheless it was triumphantly carried.<sup>2</sup> The Moslems attacked it not only because it was, they declared, impracticable and uneconomic, but more bitterly because it was communal. The schools would be managed by committees chosen by joint electorates. No provision was yet made for separate Moslem schools, nor for the training of Urdu-speaking teachers in the new technique. But these were minor

<sup>1</sup> A question of textbooks became a subject of fierce controversy in Bombay. Shortly after the Congress Ministers took office, a new series of primers written by Dr. Zakir Husain for use in Urdu schools was put on the approved list of textbooks by the Urdu Textbook Committee. Only books on this list could be prescribed by the local educational authorities for use in the schools, and a number of School Boards, on nearly all of which there was a Hindu majority, introduced the new primers in their schools in place of the old ones. From the purely educational point of view they were probably better, but Moslems regarded their introduction as a deliberate attempt to undermine the faith of Moslem children. The books, they said, not only glorified Hindu traditions and observances and paid scant attention to Moslem achievements and ideas, but also used numerous Hindi words instead of Urdu. So strong was the feeling that the Bombay Provincial Moslem League passed a resolution declaring that the books were 'the result of a subtle move on the part of the Congress to destroy Muslim culture and civilisation in India by bringing up the next generation of Muslims in total ignorance of it, and by saturating the minds of Muslim children in their impressionable age with notions of the Hindu culture and civilisation'. It might well be thought that this was a matter in which the wishes of Moslem parents ought not to have been overridden; but, if this was the view of the Congress Ministers, who showed themselves generally anxious to conciliate Moslem feeling, it was not the view of many of their supporters. A resolution, for instance, asking that the withdrawal of the primers should be considered was defeated by a large majority at a meeting of the Bombay Municipal Corporation, whereupon the ten Moslem League members of it 'walked out'. It was not till the eve of their resignation that Ministers decided that the local authorities should be advised not to prescribe the primers in Urdu schools. After their resignation, the series was again examined by the Urdu Textbook Committee, which now reported that the primers were unsuitable for use in the Province. The Governor, thereupon ordered their removal from the approved list. (See *Times of India*, July 11 and 12, 1937.)

<sup>2</sup> *Kamal Yar Jung Education Committee Report* (Calcutta, 1937), p. 10.

points compared with the essential character of the *Vidya Mandirs*, betrayed as it was by their name, 'Temples of Learning'—a name that had been adopted in the teeth of Moslem antagonism and against the advice of Dr. Husain himself. It would be, said Congressmen, 'a source of inspiration to 99 per cent. of the village population'.<sup>1</sup> Was not this bound to be regarded as a deliberate challenge to the Moslem hatred of the Hindu temple as the quintessence of idolatry?

But the *Vidya Mandirs* were only a local branch of the 'Wardha Scheme' which the Congress Governments had introduced to a greater or less extent in all their Provinces, and that scheme as a whole stands condemned in the Report as essentially communal. It was primarily Mr. Gandhi's creation, it is pointed out, and bears the impress of his personality and ideology. Its two main principles, as avowed by Mr. Gandhi himself, are the doctrine of non-violence and the romance of *takli*, the craft of spinning and weaving; and these ideas, however genuine and highminded, were certainly coloured by Hindu rather than by Moslem thought. Worse than that, religion was to be taught in the new schools only by the manifestation in the daily life of the teacher of the truths common to all religions. 'We have left out the teaching of religions from the Wardha Scheme of education', Mr. Gandhi had said, 'because we are afraid that religions as they are taught and practised to-day lead to conflict rather than unity.' Educationists in other countries may sympathise with that frank confession, but to orthodox Moslems education without direct religious teaching is no education at all; and this feature of the scheme seemed one more proof that the ulterior purpose of it all was gradually to wean the Moslem child from his faith. Once such suspicions were aroused, it was easy to detect, not so much in the exposition of the scheme or in the syllabus as in the conduct of the managers and teachers, the first intimations of something like a new religion of which Mr. Gandhi was to be the prophet. That Moslem schoolchildren should be obliged to honour the Congress flag, to join 'with folded hands' in singing *Bande Mataram*, to wear 'Gandhi caps' and homespun clothes—all that was bad enough, but its significance might seem primarily political. Could the same be said of the children not merely celebrating Mr. Gandhi's birthday but doing *puja*—a ceremonial act of reverence or worship—before the Mahatma's portrait?<sup>2</sup>

The educational policy of the Congress Governments was, as has been said, the most enlightened and encouraging feature of the new *régime*, and it is somewhat ironical that it should have provoked the bitterest attack. Even the mass-literacy campaign did not escape suspicion: some of the books used for teaching adults to read were tinged, it was asserted, with anti-Moslem prejudice. This inquiry is not concerned to justify or to refute the charges made. The relevant point is that Moslems of character and influence believed them, and it is difficult to brush aside a statement of Moslem fears so earnest, yet so temperate, as that contained in the note

<sup>1</sup> *Ibid.*, 114.

<sup>2</sup> *Ibid.*, 122, 125.

appended to the *Kamal Yar Jung Report* by Sir Azizul Huque. From top to bottom of the educational field he sees the Moslem fighting a losing battle. The very languages he speaks are steadily losing their Arabic and Persian words and being 'Sanskritised'. If he studies literature, his pabulum is mainly the philosophy and romance of Hinduism: 'he hardly has any opportunity to know anything about his Prophet, the Caliphs, the saints, the scholars, the philosophers, the poets or the heroes of Islam'. If he studies history, he is primed with all the merits and achievements of Hindu civilisation from its earliest days, but with the Moslem conquest the scene changes to an unrelieved record of strife and bloodshed. There are 'two and only two alternatives'.

Either the present system of school and university studies must have such syllabuses and themes that the Hindus, the Muslims and all other creeds and communities can meet on an essentially common platform with no influence, tendency or bias in favour of the one or the other. Or educational India must be a federation of two or more distinct types of educational organisations, each trying to develop its own culture and heredity, but in a spirit of catholicity and goodwill to others. I do hope and pray that wisdom and sense will still prevail and there will be a common and unified plan and programme of education.<sup>1</sup>

Thus in education as in government Moslem minds had begun to contemplate the division of India into Hindu and Moslem compartments.

There is no need to cite more evidence to demonstrate the suspicion and alarm which the advent of Congress rule had excited in the Moslem community. In the Hindu-majority Provinces they felt that a Hindu tide was rising which threatened in the long run to submerge their faith and culture and traditions, not only in the south where the Moslem minority had always been small and weak, but also in the north where it was more substantial and important and where so noble an array of monuments recalls to Moslems the grandeur of the Mogul age. Nor would they be safe even in the Moslem-majority Provinces; for the Congress was bent on replacing the British Centre with a Congress Centre at least as much empowered as its predecessor to interfere with the autonomy of the Provinces and composed and conducted on the same totalitarian principles as the Congress Provincial Governments and under the same 'Wardha dictatorship'. No cool-headed Moslem went so far as to assert that the professions and promises of the Congress leaders were insincere, that they were really looking forward to the day when Indian Islam, like Buddhism long ago, would be absorbed into Hinduism. But there was one cardinal and undeniable fact. The Congress, however genuinely national and non-communal its intentions might be, was a Hindu organisation. It was not so much that its Moslem membership was relatively small and included few

Moslems of outstanding ability and influence. The psychological and philosophical background of the Congress movement, its modes of thought and conduct, the quality of what was known as 'Congress-mindedness' were essentially Hindu, emphatically not Moslem. The doctrine of *ahimsa* in particular was at least as alien to Moslem as it is to most Western minds. And, if it was true that many Congressmen were not pacifists—Pandit Nehru, for example, the agnostic, who was certainly no communalist either—it was also true that at a crisis all of them, including Pandit Nehru, bowed to Mr. Gandhi's will. And, however all-embracing Mr. Gandhi's charity towards other races and creeds than his own, his personality and the power he wielded belonged to the Hindu tradition: he would be out of place among the heroes of Islam.

Moreover, did the rank and file of Congressmen, Moslems asked, accept in their hearts the non-communal precepts of the 'high command'? The conduct of many of them—schoolmasters, committee-men, local bosses—seemed to answer that question in the negative. Was their real attitude different from that of the Hindu Mahasabha? And was it not of ominous significance that at this time, while the membership of the Congress was falling, that of the Mahasabha was rising?

The Hindu Mahasabha was founded in 1928 as a purely cultural organisation for the conservation and purification of Hinduism; but it had now become primarily political, and in 1937 its President was Veer V. D. Savarkar, a fiery nationalist who had been sentenced in 1909 to transportation for life on the charge of abetting a murderous terrorist crime. In 1938, when he was re-elected President as he has been each year since, he announced his intention of reorganising the Mahasabha and in a series of speeches in various parts of India he attacked the Congress for the opposite reason to that for which the League attacked it. So far from being anti-Moslem, the Congress was betraying the cause of Hinduism by pretending to be non-communal and pursuing a non-communal policy. 'Mr. Jinnah is quite correct in stating that the Congress has been since its inception down to this day a Hindu body. . . . The few Moslems . . . are kept there merely as figureheads to run the poor show of a "United Indian Nation".' The idea that there could be one homogeneous all-India nationhood was a mirage. The Hindu-Moslem schism was an unpleasant fact. It could not be wished away or overcome by compromise. The only way to treat it was to recognise that all India was Hindustan, the land of the Hindus, at once their fatherland and holy land, and the only land with which Hindus, unlike Moslems, were concerned; that there was only one nation in India, the Hindu nation; and that the Moslems were only a minority community and as such must take their place in a single Indian State. They would be treated justly, for no distinction would be made on grounds of race or faith. All citizens of the State would be equal: 'one man, one vote' would be the general rule; such matters as the national language would be settled as in other



democratic countries by the will of the majority.<sup>1</sup> . . . A straightforward creed, and it rapidly acquired converts. The Mahasabha, like the League, had adopted the Congress mechanism of an annual Session, as well as a Working Committee, Provincial Committees and so forth, and the Session at Nagpur in the winter of 1938 was attended by enormous crowds. One detachment consisted of 'volunteers', armed with swords and *lathis*, and the most disquieting resolution was that which demanded universal military training in order to counteract the Moslem preponderance in the Indian Army and to prepare the way for a full-scale national militia.

The effect on Moslem feeling can be imagined, and the worst of it was the suspicion that many Congressmen agreed in their hearts with Mr. Savarkar. It was possible, no doubt, to exaggerate the importance of the Mahasabha. Fast growing though it was, it could scarcely hope to wrest the lead of Hindu nationalism from so mighty and wealthy an organisation as the Congress. But down at the roots was there any real division? The conduct of the Congress Governments, said the not immoderate *Pirpur Report*, seems 'to substantiate the theory that there is something like identity of purpose between the Congress and the Hindu Mahasabha. . . . The Muslims feel that, notwithstanding the non-communal professions of the Congress and the desire of a few Congressmen to follow a truly national policy, a vast majority of the Congress members are Hindus who look forward, after many centuries of British and Muslim rule, to the re-establishment of a purely Hindu Raj.'<sup>2</sup>

Enough has been said to explain the rapid growth of Hindu-Moslem tension after 1937—the exacerbation of the wordy warfare on the platform and in the Press, the increase in rioting and bloodshed, and the emergence, as time went on, of a widespread feeling that the two communities were fast coming to the point at which the issue between them would have to be decided, peaceably it might be hoped, but conceivably by force. For, if the Moslems were alarmed, they were not, in the north at any rate, afraid. The coming of Congress Governments had stirred their pride and recalled the memories of their past. Two centuries ago the Moslems had long held most of India under Moslem rule by force of arms. By force of arms the British had replaced this Moslem Raj by a British Raj. Now, it seemed, the British were about to abdicate, but the heritage of power was not to revert to the descendants of the Moguls. The Raj was to be a Hindu Raj, and this time not by force of arms but by counting the votes of millions of ignorant peasants and drafting in accordance therewith a paper constitution.

<sup>1</sup> Mr. Savarkar's policy is fully explained in his three Presidential addresses published together in *Hindu Sanghatan, its ideology and immediate programme* (ed. N. V. Damle, Bombay, 1940). See also *Veer Savarkar's Whirlwind Propaganda* (ed. A. S. Bhide, Bombay, 1941).

<sup>2</sup> *Pirpur Report*, 7-10. See Mr. Muhammad Ali's similar statement in 1931: Part I, 111.

### III. THE BIRTH OF PAKISTAN

What was the effect of the widening communal gulf on the constitutional problem?

Before 1937 Mr. Jinnah, it will be remembered, had differed from the more militant Congress leaders in wanting 'to work the new Provincial constitution 'for what it was worth'. By 1938 the position had been reversed. Congress Ministers were finding that there was some worth in the constitution. It was the League that now denounced it because it had made possible, it declared, the systematic persecution of the Moslems in the Congress Provinces; and it was the League now that threatened to combat it by the unconstitutional methods so often employed by the Congress but never by the League since the Caliphate agitation of 1920-1. 'The time has come', ran a resolution of the Patna Session in the winter of 1938, 'to authorise the Working Committee of the All-India Muslim League to decide and resort to direct action if and when necessary.'<sup>1</sup>

Those were ominous words, for they meant at the least that the League was prepared to adopt the Congress technique of 'civil disobedience'. And the danger of that was unmistakable. Mr. Gandhi himself had often admitted the difficulty of preventing the rule of 'non-violence' from being broken in the course of a Congress 'mass-disobedience' campaign. What, then, was likely to happen with mobs of League 'volunteers' who had never subscribed to that rule or shared in the Hindu sentiment that had inspired it? Unfortunately, moreover, the means of 'direct action' were ready to hand. The establishment of *quasi*-military organisations by the Congress had naturally provoked a counter-movement by the League. Two bodies were in existence by the end of 1938. The first was the 'Muslim League Volunteer Corps'. It was said to number 11,000 in the United Provinces and 4,000 in the North-West Frontier Province. The second body was the 'Muslim National Guard', equipped with uniform and flag, and said to be 8,000 strong in the United Provinces. Smaller 'guards' had been organised in Sind and Bengal. There were also the *Khaksars*, but it was not till the late summer of 1939 that this formidable body abandoned its peaceful methods, and, as has been told in previous chapters, took the path of violence and bloodshed.

Happily the threat of 'direct action' was not carried out. But the League continued to denounce the existing *régime* and in increasingly bitter terms. 'The Provincial part of the constitution', declared a resolution of the Working Committee in the spring of 1939, 'has utterly failed to safeguard even the elementary rights of the Muslim minorities in various Provinces.'<sup>2</sup> By the summer Mr. Jinnah seemed to have turned his back on the whole course of constitutional development since 1919, in the discussion of which he had so often played a leading part. In a speech on August 5 he declared that the conduct of the Congress after the elections of 1937 had

<sup>1</sup> *Indian Annual Register*, 1938, ii, 846.

<sup>2</sup> *Ibid.*, 1939, i, 866.

convinced him that 'a democratic system of parliamentary government', favoured by the Congress because it was 'a matter of counting heads', was an 'impossibility' in 'such a vast country with different nationalities'.<sup>1</sup>

A resolution of the Working Committee on August 28 bitterly complained that the hopes once cherished by Moslems that their position would be secured by the 'safeguards' had proved a complete illusion in face of 'a permanent hostile communal majority', and it censured 'the utter neglect and indifference shown by the Viceroy and the Governors in the Congress-governed Provinces in exercising their special powers to protect and secure justice to the minorities'.<sup>2</sup> Finally, when the Congress Ministries resigned, Mr. Jinnah declared that they must never come back, and the celebration of 'a day of deliverance and thanksgiving' was organised by the League throughout the country and observed on December 22, with more enthusiasm in the Congress Provinces than elsewhere, 'as a mark of relief that the Congress Governments have at last ceased to function'.<sup>3</sup>

It might have seemed at this time as if Mr. Jinnah had no further use for the Provincial constitution, as if, indeed, he had discarded parliamentary or representative government altogether. But this was apparently not the case. For when, towards the end of the year, one more abortive effort was made to bring about a communal settlement, the possibility of Congress-League coalitions in the Provinces was seriously reconsidered on both sides. It would seem, then, that Mr. Jinnah was prepared to contemplate a kind of parliamentary government provided it were not the normal British kind, i.e., government by the majority party alone. 'Democratic systems', he wrote to a British journal, 'based on the concept of a homogeneous nation are very definitely not applicable to heterogeneous countries such as India, and this simple fact is the root cause of all of India's constitutional ills'.<sup>4</sup>

Meantime the growing power of the League and of Mr. Jinnah's personal authority had begun to give the working of the existing constitution the same sort of twist as the Congress leaders had given it. The non-Congress Ministries were now, as has been seen, called 'League Ministries', and in the summer of 1939 the League Working Committee passed a resolution instructing Provincial branches of the League not to come to terms with the Congress on their own account but to refer all proposals for a settlement to the 'high command'.<sup>5</sup> If this process were carried farther, if the leaders of the League could establish a unitary centre as effective as that which the leaders of the Congress had established, then the Ministers and the members of the legislatures in the non-Congress as well as the Congress Provinces would become responsible to external all-Indian authorities instead of to their Provincial electorates, and in the whole of British India the twin purposes of 1935—Provincial Autonomy and Responsible Government—would have been frustrated.

<sup>1</sup> *Times of India*, Aug. 7, 1939.

<sup>2</sup> *Hindustan Times*, Dec. 7, 1939.

<sup>3</sup> *Indian Annual Register*, 1939, ii, 245.

<sup>4</sup> *Indian Annual Register*, 1939, ii, 248.

<sup>5</sup> *Time and Tide*, Jan. 19, 1940.

So much for the Provincial constitution. As regards the Centre Mr. Jinnah's opposition to the federal scheme of 1935 was now sharper and harder than it had been before 1937. Uncompromising condemnation of it had become a regular feature of League meetings. But the point of attack had shifted. Before 1937 the federal scheme had been denounced by the League for the same reason as by the Congress—because it fell short of full self-government at the Centre. After 1937 it was denounced because it would enable the Congress to obtain the same sort of ascendancy at the Centre as it had obtained in the Provinces and to use it in the same way. A significant resolution was passed by the Executive Council of the League at the time of the Patna Session when the Congress campaign in the States, described in the last chapter, was in full swing. It declared that the Congress'

main objective in championing the cause of the States' people is only to secure the establishment in the Indian States of an elective system enabling their representatives to be returned to the Federal Legislature, irrespective of anything else, in the hope that it might get a majority.<sup>1</sup>

A second resolution warned the British Government that, if it were induced by Congress methods of 'coercion and intimidation' to acquiesce in the kind of Federation the Congress wanted, the Moslems 'will not hesitate to resort to the extremest measures' to protect their 'vital interests'.<sup>2</sup>

Nor was the League's attitude to the constitutional problem at the Centre purely negative. They would have nothing to do, it is true, with the Congress plan of a Constituent Assembly, one more device, as they saw it, for imposing Hindu majority rule, but they did not leave the matter there. They began to think out a plan of their own. The Provincial Conference at Karachi in October 1938 passed the following resolution.

This Conference, in the interests of abiding peace of the vast Indian continent and of unhampered cultural development, economic and social betterment, and *political self-determination* of the Hindus and Muslims, recommends to the All-India Muslim League to review the entire question of what should be a suitable constitution for India, which will secure an honourable and legitimate status due to the Muslims, and further devise a scheme of constitution under which *the Muslims may attain full independence*.<sup>3</sup>

At the Patna Session in December Mr. Jinnah was authorised to take steps 'to explore the possibility of a suitable alternative [to the federal scheme of 1935] which would completely safeguard the interests of Mussulmans and other minorities in India'.<sup>4</sup> In March 1939 the Working Committee appointed a subcommittee, with Mr. Jinnah in the chair and Sir Sikander Hyat Khan among its members, 'to examine various schemes already propounded . . . and those that may be submitted hereafter to the President'.<sup>5</sup>

The words italicised in the Karachi resolution suggest the nature of the

<sup>1</sup> *Indian Annual Register*, 1938, ii, 345.

<sup>2</sup> *Ibid.*, ii, 350.

<sup>3</sup> *Times of India*, Oct. 12, 1938. Italics not in the original.

<sup>4</sup> *Indian Annual Register*, 1938, ii, 350.

<sup>5</sup> *Ibid.*, 1939, i, 374.

startling change which a section of Moslem thought had now undergone. Before 1937 Indian Moslems had taken the political unity of India for granted. Now they were talking of Moslem self-determination and Moslem independence. Their future, it was argued, could not be effectively safeguarded by anything less drastic than Partition.

The idea of Partition, it is often said, was first broached in 1930. In that year the famous Moslem poet, Sir Muhammad Iqbal, was President of the League and in his address to the Session at Allahabad he outlined his constitutional views.<sup>1</sup> The Session, he said, would doubtless endorse the demands of the Moslem Conference in January 1929 as regards the contemplated Federation.<sup>2</sup>

Personally I would go further. . . . I would like to see the Punjab, the North-West Frontier Province, Sind and Baluchistan amalgamated into a single State. Self-government within the British Empire or without the British Empire and the formation of a consolidated North-West Indian Moslem State appears to me to be the final destiny of the Moslems at least of North-West India.

This was ambiguous language, but it is clear from the rest of Sir Muhammad's speech that he was not contemplating a separate sovereign Moslem State but only the consolidation of the Moslem North-West in one political unit of an all-India federation. His proposal, he said, had been submitted to the Nehru Committee,<sup>3</sup> and rejected because the proposed Moslem 'State' would be of such an unwieldy size, although its population would be less than in some of the larger Provinces. Nor did Sir Muhammad limit his policy of territorial adjustment to the North-West.

It is clear that, in view of India's infinite variety in climates, races, languages, creeds and social systems, the creation of autonomous States based on unity of language, race, history, religion and identity of economic interests is the only possible way to secure a stable constitutional structure in India.

The readjustment of boundaries would go far to solve the communal problem. The controversy over separate electorates, largely caused by 'the present structure of the Provinces', would 'automatically disappear'.

The Moslems of India can have no objection to purely territorial electorates if Provinces are demarcated so as to secure comparatively homogeneous communities. . . . A system of separate electorates is only a poor substitute for a territorial solution of the problem.

It was indeed, Sir Muhammad went on, because it would solve the communal problem that Moslems demanded Federation, but it must be really federal, not a unitary system in disguise. The Nehru Report had recommended such a system in order to secure Hindu dominance throughout India through a 'popular' Central legislature.<sup>4</sup> The Simon Report was right in urging that the legislature should be reconstituted on a federal basis.<sup>5</sup>

<sup>1</sup> *Indian Annual Register*, 1930, ii, 384.

<sup>2</sup> See Part I, 88.

<sup>3</sup> See Part I, 101-2.

<sup>4</sup> See Part I, 96.

<sup>5</sup> See Part I, 87-94.

'A unitary form of government is simply unthinkable in a self-governing India.'

Residuary powers must be left entirely to self-governing States, the Central Federal Government only exercising those powers which are expressly vested in it by the free consent of the Federal States. I would never advise the Moslems of India to agree to a system, whether of British or of Indian origin, which virtually negatives the principle of true federation or fails to recognise them as a distinct political entity.

Evidently Sir Muhammad Iqbal was only asking for the agglomeration of the Moslem-majority Provinces in the North-West into a single State and for a general re-adjustment of Provincial boundaries within a loose all-India federation; and the idea of Partition seems first to have been aired among the members of a group of young Indians in England at the time of the Round Table Conference. A four-page leaflet, headed *Now or Never* and signed by Mohd. Aslam Khan, Rahmat Ali, Sheikh Mohd. Sadiq and Inayat Ullah Khan, was privately circulated from Cambridge in January 1933. 'On behalf of our thirty million Muslim brethren who live in PAKISTAN<sup>1</sup>—by which we mean the five northern units of India—*viz.*, Punjab, North-West Frontier Province (Afghan Province), Kashmir, Sind and Baluchistan'—the authors of this leaflet protested against the federal constitution then in process of being framed at the Round Table Conference, and repudiated the claim of the Indian Moslem delegation to speak for their community. 'India is not the name of one single country, nor the home of one single nation. It is, in fact, the designation of a State created for the first time in history by the British.' The Moslems of the North-West are separated from the other peoples of India by differences in all their ways of life. 'We do not inter-dine; we do not inter-marry. Our national customs and calendars, even our diet and dress are different.' The Moslems of Pakistan, a distinct nation, with a homeland twice the size of France and a population equal to the French, 'demand the recognition of a separate national status'. This is not what Sir Muhammad Iqbal asked for in 1930.

While he proposed the amalgamation of these Provinces into a single State forming a unit of the All-India Federation, we propose that these Provinces should have a separate Federation of their own. There can be no peace and tranquillity in this land if we, the Muslims, are duped into a Hindu-dominated Federation where we cannot be the masters of our own destiny and captains of our own souls.

At the time of their birth these ideas seem to have attracted little attention in Indian political circles. When the delegates of the All-India Moslem Conference and the Moslem League appeared before the Joint Select Committee in August 1933, their spokesman was asked 'whether there is a scheme for a federation of Provinces under the name of Pakistan?' 'As far as I know', was the reply, 'it is only a student's scheme.' 'So far as we have

<sup>1</sup> Pakistan, as it was later spelt, means 'land of the pure'.



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considered it', said another member of the delegation, 'we have considered it chimerical and impracticable.'<sup>1</sup>

In July 1935, Mr. C. Rahmat Ali circulated another four-page leaflet from another Cambridge address. In it he claimed to be the 'founder of the Pakistan National Movement' as President of which he signed the document. Its context was a more soberly-phrased restatement of the arguments of the previous leaflet. A new point was made of the new Government of Burma Act. 'While Burma is being separated from Hindoostan, it remains a mystery to us why Pakistan . . . is to be forced into the Indian Federation.'

Little more was heard of the movement at the time, but the course of its further development can be gleaned from the statement made by Mr. C. Rahmat Ali to a meeting of its 'Supreme Council' at Karachi in 1940 and reproduced in the Indian Press and in pamphlet form in England.<sup>2</sup> It

<sup>1</sup> *Joint Committee on Indian Constitutional Reform*, Minutes of Evidence, Q. 9598-9.

<sup>2</sup> *The Millat of Islam and the Menace of 'Indianism'*, by C. Rahmat Ali, Founder-President, Pakistan National Movement, 18 Montague Road, Cambridge.

restated the case made in the leaflets as follows. (1) The Moslems in so-called India are 'Muslim, not Hindu; Pakistani, not Hindustani; and Asian not Indian. . . . In retrospect the India of to-day is the South Asia of yesterday, but in prospect the sphere of the individual solidarity of several nations of to-morrow.' (2) The choice now facing the Moslem community (*millat*) is 'between re-construction in Asia and re-destruction in India'. In the past 'Indianism' spiritually and morally 'corrupted the standards of our Islamic values', and 'politically it deprived us of imperial supremacy, dispossessed us of national sovereignty, and reduced us to a "minority community". In the future "Indianism", on the premise of the territorial unity of "India", proposes to create the Central Government, control its civil administration, and command its military arm. . . . When sure of its power, it will, in the name of democracy and with the help of British bayonets, make use of it to coerce and crush us, its prey, into complete captivity.' (3) The *millat* can only be saved by severing all ties with India which 'never was and never would be the Muslim motherland'. North-West India must constitute the nation and sovereign State of Pakistan. Thus the basis of the movement as it was started in 1933 remained unchanged, but its promoters had now extended it beyond the North-West to cover other parts of India. First, Bengal, with its hinterland of Assam, is 'Bāng-i-Islām' (Islam in Bengal) and must be preserved as such for posterity by 'the saving right of self-determination'. Secondly, the State of Hyderabad or Usmanistan (Usman is the Nizam's family name) is 'a part of our patrimony' and its *de jure* sovereignty must be given international recognition. The three independent 'nations' of Pakistan, Bengal and Usmanistan will form a triple alliance.

This downright policy of Partition was combated by Dr. Syed Abdul Latif, an ex-professor of the Osmania University at Hyderabad, in two pamphlets published in 1938<sup>1</sup> and a booklet published in 1939,<sup>2</sup> supplemented by a further statement to the League subcommittee.<sup>3</sup> Dr. Latif accepted the doctrine, now unquestioned in League circles, that India was not a single 'composite nation' and that both the federal provisions of the Act of 1935 and the Congress programme must for that reason be ruled out. An attempt, indeed, to impose a 'national' settlement at the will of the Hindu majority would provoke a civil war. But Partition was not a necessary or a desirable alternative. India could and should remain united, provided its unity were based on a system of free and homogeneous nationalities, each possessing a geographical home which it could call its own. To that end Dr. Latif outlined a provisional division of India into 'cultural zones'—four Moslem (the fourth being a north-central block stretching from the eastern border of Patiala to Lucknow with Delhi as its centre) and eleven Hindu. 'The Indian States interspersed all over the

<sup>1</sup> *The Cultural Future of India* (Bombay, 1938) and *A Federation of Cultural Zones for India* (Secunderabad, 1938).

<sup>2</sup> *The Muslim Problem in India* (Bombay, 1939).

<sup>3</sup> *Statesman*, April 6, 1939.



country may be distributed between the different zones in accordance with their natural affinities. Each zone will form a homogeneous State with a highly decentralised form of government within . . . but fitting along with similar States into an all-India federation.<sup>1</sup> On the crucial question of the powers of the Federal Government Dr. Latif was vague; the only functions he specifically assigned to it were concerned with the protection of cultural rights. But this plan was only put forward as an ultimate and perhaps distant objective; and a more concrete account was given of the 'transitional stage' which would lead up to it. (1) A federation of the existing Provinces and States should be established, with the powers of the Centre reduced to a minimum. (2) Both in the Provinces and at the Centre there should be a 'composite stable executive' instead of a 'parliamentary executive in the English sense'. The Prime Minister should be elected by the legislature to hold office during its life. He would appoint a Cabinet, not responsible to the legislature and composed in accordance with a communal ratio to be fixed by agreement for all India. (3) Separate electorates and the present allocation of Moslem seats in the Provincial legislatures should be retained. At the Centre the Moslems should have at least one-third of the seats. On subjects concerning their religion, personal law and culture the Moslem members of a legislature should constitute a 'special committee' whose decision should be final. (4) To prepare the way for the ultimate constitution Zonal Boards should be set up to work out common policies, especially on economic and cultural questions, which should be submitted for adoption to the Provinces and States.

So far one question, the most important question, had not been answered. The main point of Dr. Latif's scheme was the homogeneity of his national or cultural zones. His chief criticism of the Pakistan proposals was that they did not solve the communal problem since immense Moslem and Hindu minorities would remain in the independent Hindu and Moslem States. If Dr. Latif's solution was in one respect less drastic, in another respect it was more so. Aware that Hindus and Moslems are so mixed up that they cannot be separated from each other by any zonal readjustment of frontiers, he boldly recommended a wholesale transference of population, citing the well-known example of the exchange of Greek and Turkish populations under the auspices of the League of Nations in 1923-4. The transfer should be voluntary: it would be a primary task of the transitional Governments to encourage and arrange it: only in the last resort need it be compulsory. That Dr. Latif meant it to be thorough-going is clear from his conception of the north-central Moslem Zone as eventually 'a permanent home for all the Muslims living at present in the United Provinces and Bihar'.<sup>2</sup>

In the autumn of 1938 another scheme was propounded by Sir Abdulla Haroon, a leader of the League in Sind and a member of the Central

<sup>1</sup> *The Muslim Problem in India*, 30.

<sup>2</sup> *Ibid.*, 45.

Assembly. He wrote a favourable foreword to one of Dr. Latif's publications, but his own plan was more 'Pakistanian' than Dr. Latif's. He recommended the division of India into two separate federations, 'each reflecting the strength of one of the two major communities'. The main body of the Moslem Federation would be the north-west area and Kashmir. The future of Bengal and Hyderabad was not discussed.<sup>1</sup>

In the summer of 1939 Nawab Sir Muhammad Shah Nawaz Khan, an eminent Moslem of the Punjab, published on his own account a booklet entitled *Confederacy of India* and anonymously ascribed to 'A Punjabi'. It sums up Dr. Latif's scheme as theoretically 'perfect' but impracticable, mainly because the transfer of populations would affect about two-thirds of the whole population of India, would involve removal in some cases over long distances and into uncongenial climates, and would be prohibitively costly.<sup>2</sup> The author prefers to leave the population as it stands, but to divide India—the case of Burma, smoothly cut off from India in 1937, is cited as a precedent<sup>3</sup>—into five 'countries': (1) the Indus Regions, (2) Hindu India, a central block comprising all that is not covered by the other 'countries', (3) Rajistan, containing the States of Rajputana and Central India, (4) the Deccan States, mainly Hyderabad and Mysore, and (5) Bengal, without its present Hindu districts but including parts of Assam and a number of disconnected States.<sup>4</sup> All these 'countries' would be federations in themselves. As to their relations with one another the author does not accept the separatist doctrine of the Pakistan school. He goes quite as far on other points. 'The Muslims all over the world are a single nation (*millat*) just as the Jews are a single nationality.' 'Right up from the banks of the River Sutelej to the southern and eastern coasts of the Mediterranean there is a block of countries which are culturally and religiously the same as the Muslims of the Sind regions and the rest of India.' Afghanistan will rejoice to have a Moslem State as her neighbour, and Persia, Arabia, Egypt and Turkey will hail its creation 'as the first practical step towards the liberation of Asia from the hands of Europe' and as 'the dawn of the long-cherished ideal of Pan-Islamism'.<sup>5</sup> Nevertheless Moslem ambitions should not be 'extra-territorial'. There should be no break away from India. 'The foreign element amongst us is quite negligible and we are as much sons of the soil as the Hindus are. Ultimately our destiny lies within India and not out of it.'<sup>6</sup> Indian Moslems, therefore, should only agree to a rupture if the Hindus were to force it on them. They must be 'separationists-cum-confederationists'. The separate countries should be 'reassembled' in a 'Confederacy of India'. It is not clear whether the author makes the usual distinction between a federation and a confederacy. He only makes two references to the functions of the confederate authority. First, fiscal policy is not to be controlled by it since the danger of Hindu domination is greater in the economic field than in

<sup>1</sup> *Ibid.*, v-vii.

<sup>4</sup> *Ibid.*, 10-11.

<sup>2</sup> *Op. cit.*, 6, 201ff., 256.

<sup>3</sup> *Ibid.*, 72-3, 180, 214.

<sup>5</sup> *Ibid.*, 281ff.

<sup>6</sup> *Ibid.*, 17.

any other.<sup>1</sup> Secondly, the cost of defence is to be equally shared among the five members of the Confederacy,<sup>2</sup> but nothing is said as to how the money will actually be raised. Nor are any details given of the domestic federal constitutions of the members.

The only Moslem politician of any standing who had so far taken a public part in the constitutional discussion was Sir Abdulla Haroon, but now, in the course of this same summer, the Premier of the Punjab entered the lists with a pamphlet entitled *Outlines of a Scheme of Indian Federation*.<sup>3</sup> The sober and concise analysis of the existing situation with which he prefaced his proposals was in marked contrast with most previous Moslem publications. There is no reference to Hindu 'atrocities', no emotional appeals to Moslem sentiment, nothing about the Islamic world at large, no attacks on 'British imperialism'. The constitutional problem is treated as a purely Indian problem which Indians can and must solve themselves.

To those . . . who doubt the *bona fides* of the British Government my answer is that we have within the short space of two decades obtained two instalments of political reforms: first in 1920 under the Montagu-Chelmsford scheme and the second and more substantial one recently with the introduction of the Government of India Act, 1935. The next and final instalment cannot be long delayed if we could only remove obstacles which are of our own creation and which can be removed only by ourselves.

It would be 'dishonest to put the blame on the British Government for setting up these obstacles'. What has happened in the last two years? The new Provincial constitution has been used by each communal or political organisation 'to obtain power and supremacy over others'. And the division between British India and the States has been widened by 'attempts to stampede' the latter into accepting the former's forms of government. The Princes have 'now become genuinely apprehensive in regard to their future under any scheme of federation which does not ensure complete immunity for them from outside interference in their internal affairs'.

No such drastic remedy as Partition is suggested by Sir Sikander Hyat Khan. The key to the problem, he holds, as regards both the minorities and the States, is still the federal principle, but it must be applied in a different form from that of the Act of 1935. First, the federation must be of the loosest possible kind: the autonomy of the Provinces must be enlarged to the maximum and the power of the Centre confined to a minimum. Secondly, the federation should not be based on the existing Provinces and States, nor different treatment be accorded to British India and Indian India. Adopting Dr. Latif's regional idea, Sir Sikander recommends the re-division of India into seven Zones, but most of them should contain both existing Provinces (or parts of them) and States. He gives a tentative

<sup>1</sup> *Op. cit.*, 13, 101, 110.

<sup>2</sup> *Ibid.*, 218.

<sup>3</sup> Sir Sikander fully described the scheme outlined in his pamphlet in a speech in the Punjab Legislative Assembly on March 11, 1941: see *Official Report*, vol. xvi, no. 8.

list of them for consideration. (1) Assam, Bengal (less certain western districts), Bengal States and Sikkim; (2) Bihar and Orissa and ceded Bengal districts; (3) United Provinces and its States; (4) Madras, Madras States, Travancore and Coorg; (5) Bombay, Hyderabad, Mysore, Western Indian States, Bombay States, and Central Provinces States; (6) Central Provinces, Rajputana States (less Bikaner and Jaisalmer), Gwalior, and the States of Central India, Bihar and Orissa; (7) Punjab, Sind, North-West Frontier Province, Baluchistan, Kashmir, Punjab States and Bikaner and Jaisalmer.

Each Zone would have its Regional legislature representing its British Indian and State units. The former would be elected by the Provincial legislatures in accordance with the procedure laid down by the Act of 1935 for election to the Central Assembly. The latter would be chosen by the Rulers of the States partly by nomination, partly from a panel elected by such representative bodies as exist or may be created for the purpose. The proportion between nominated and elected members would be modified by stages till at the end of twenty years one-third would be nominated and two-thirds elected. The Regional legislatures would deal with a group of subjects taken from the list of those entrusted to the Centre by the Act of 1935, such as excise, regulation of labour, trading corporations, transport by sea and air, and professional and technical research; but it might also, if requested by two or more units in the Zone, legislate on subjects in the Provincial list.

The members of the Regional legislatures would collectively constitute the Central or Federal Assembly, whose legislative authority would normally be confined to defence, foreign affairs, customs, communications and currency. But a new list of 'concurrent' subjects should be drawn up, and the Centre should be empowered to legislate thereon, but only if requested by at least four Zones and then only with effect in the Zones which made the request. The Central Executive should consist of a Prime Minister and Cabinet appointed by the Governor-General in the normal parliamentary manner except that, for a period of fifteen or twenty years, the Governor-General might nominate the Ministers for Defence and Foreign Affairs on his own responsibility and not necessarily from among the members of the legislature—a reproduction, in other words, of the dyarchic provisions of the Act of 1935. Each Zone should have at least one representative in the Cabinet; at least one-third of its members should be Moslems; and at least two, or three if the total were more than nine, should be chosen from the representatives of States.

Finally, Sir Sikander contemplated that a united Indian Federation of this kind would acquire Dominion Status with a minimum of delay. All India desires freedom, but this does not necessitate a severance of the British connexion. 'Indeed it can be confidently asserted that the intelligentsia in this country, except for some stakeless political adventurers and a few honest ideologists, are in favour of retaining that connexion.' India

can best play her part in the international world as a full and equal member of the British Commonwealth of Nations.

Such in brief were the chief Moslem pronouncements on the constitutional problem at this critical time. The Hindu response was not encouraging. It was natural, no doubt, that the proposals for Partition should be treated by Congress newspapers with angry derision; but it might have been hoped that the more moderate suggestions of a loose federation would be carefully examined and reasonably discussed. But the Congress mind was not prepared, it seemed, to consider any alternative to the official plan of a Constituent Assembly; and it is not, perhaps, to be wondered at if, during this period of increasing communal tension and strife, Moslem opinion hardened. At any rate it was the more drastic, not the more moderate policy, which ultimately prevailed with Mr. Jinnah and the leaders of the League. In September 1939 the Working Committee declared that Moslem India was

irrevocably opposed to any 'federal objective' which must necessarily result in a majority-community rule under the guise of democracy and a parliamentary system of government. Such a constitution is totally unsuited to the genius of the peoples of this country which is composed of various nationalities and does not constitute a national State.<sup>1</sup>

In February 1940 Mr. Jinnah told the Press that the constitutional settlement must be governed by the fact that India was not one nation but two, and that the Moslems of India would not accept the arbitrament of any body, Indian or British, but would determine their destiny themselves.<sup>2</sup> In March the Session of the League at Lahore, attended, it was estimated, by as many as 100,000 members, passed the following resolution:<sup>3</sup>

Resolved that it is the considered view of this Session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Moslems unless it is designed on the following basic principle, *viz.*, that geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary that the areas in which the Moslems are numerically in a majority, as in the north-western and eastern zones of India, should be grouped to constitute 'independent States' in which the constituent units shall be autonomous and sovereign. . . .

It was not clear exactly what this paragraph of the resolution meant. It could scarcely mean that the constituent units of the independent States were really to be 'sovereign', but that it did mean that the States were to be really 'independent' was shown by a subsequent paragraph.

This Session further authorises the Working Committee to frame a scheme of constitution in accordance with these basic principles, providing for the assumption finally by the respective regions of all powers such as defence,

<sup>1</sup> *Indian Annual Register*, 1939, ii, 851.

<sup>2</sup> *Times of India*, February 18 and 19, 1940.

<sup>3</sup> *Indian Annual Register*, 1940, i, 812.

external affairs, communications, customs and such other matters as may be necessary.

This was Partition pure and simple. The Moslem reaction to the Congress policy had gone as far as it could go. Unitarianism had been met by separatism. Naturally Congressmen were up in arms. Mr. Gandhi wrote a long article condemning the proceedings at Lahore.<sup>1</sup> The Congress Press cried out against 'the vivisection of Mother India'. And in April an 'All-India Independent Muslim Conference' was organised at Delhi, with Khan Bahadur Allah Baksh, past and future Premier of Sind, in the chair and Maulana Abul Kalam Azad, who had just been elected President of the Congress, in the background. The Conference denounced Partition and repudiated the League's claim to represent the Moslems of India. But, whatever the numerical proportions of the various Moslem bodies may have been, there could be no question that Mr. Jinnah was now the most popular and powerful Moslem in India, and he had behind him the Premiers of the Punjab, Bengal, and Assam and the leaders of the Moslem minorities in the Congress Provinces. It was undeniable that a very substantial section of Moslem opinion, headed by almost all the best-known figures in Moslem politics, had decided—irrevocably or not remained to be seen—that they would rather split India into several sovereign states than submit to a Hindu Raj.

<sup>1</sup> *Harijan*, April 6, 1940.

## CHAPTER XVIII

### THE IMPACT OF THE WAR

#### I. CONGRESS POLICY BEFORE THE WAR

THE Hindu-Moslem schism was not healed by the coming of the second World War: it is at least as deep to-day as it was then. Nor has that been the only division in India during the war. The country was split at the outset, and has remained split, between those who were willing to co-operate in the war-effort and those who were not. Among the former have been most of the minority parties such as the Mahasabha, the Depressed Classes, and the Radical Democratic Party.<sup>1</sup> The Moslem League has followed a middle line. Its 'high command'—or commander—has maintained a policy of non-co-operation in form without applying it in fact, and many of its leaders and of its rank and file have shared in the war-effort from first to last. Only the Congress has taken a consistent and effective stand against co-operation.

For many years the chief author and spokesman of Congress foreign policy has been Pandit Nehru, and it will be remembered that in his presidential address to the Congress Session in the spring of 1936 he spoke of the menace of war in Europe, a war with which the Congress must have nothing to do.<sup>2</sup> The election manifesto, issued in August 1936, re-affirmed this 'opposition to the participation of India in an imperialist war'.<sup>3</sup> Thenceforward the Pandit's speeches and writings on foreign affairs were strongly critical of British policy. No British opponent of 'appeasement' was more outspoken during the autumn and winter of 1938, and at the Tripuri Session in March 1939 he moved and carried a resolution in which British foreign policy was described as 'a deliberate betrayal of democracy' and the existing state of international anarchy as its result. At the same time the 'organised terrorism' of the Nazi Government against the Jews and the bombing of civilians in Spain were reprobated.

The Congress is opposed [the resolution continued] to Imperialism and Fascism alike, and is convinced that world peace and freedom require the ending of both of these. In the opinion of the Congress, it is urgently necessary for India to direct her own foreign policy as an independent nation, thereby keeping aloof from both Imperialism and Fascism, and pursuing her path of peace and freedom.<sup>4</sup>

Whatever may be thought of events in 1938, this equal condemnation of British and German policy seemed a little out-of-date in 1939, and not long after Tripuri Pandit Nehru admitted that 'England and France have still

<sup>1</sup> The Communists were against the war at first, but they were anxious to do their part after the German attack on Russia (see p. 35 above).

<sup>2</sup> See p. 12 above.

<sup>3</sup> Nehru, *The Unity of India*, 401.

<sup>4</sup> *Indian Annual Register*, 1939, i, 342.

the instinct of democracy'. 'If the instinct finds proper expression', he went on, 'and really stands up for the defence of democracy, then India can certainly look favourably on it and lend her hand in support.'<sup>1</sup>

In April two events foreshadowed the approach of war. A small contingent of Indian troops was dispatched to strengthen the garrison at Aden, and a bill was introduced in Parliament which *inter alia* contained provisions for strengthening the powers of the Central Government in war time. The Act of 1935 provided that, if the Governor-General should have proclaimed that a 'grave emergency exists whereby the security of India is threatened whether by war or internal disturbance', the Central legislature would be empowered 'to make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial legislative list'.<sup>2</sup> It seems to have been forgotten that the Central Government would also need executive authority in the Provincial field in the event of war. Legislative authority alone would not enable it, for example, to make rules under the Acts it passed, to confer executive powers on its own officers in Provincial matters, or to ensure the uniform control of various things—supplies, black-out, profiteering may be cited of many possible examples—for which in war time such control would be required. The bill accordingly inserted a new section (126 A) in the Act authorising the Central Government, during the operation of a proclamation of emergency resulting from war or a threat of war, to give directions to the Provincial Governments as to the way in which their executive authority was to be exercised, and enabling the Central legislature to make laws in the Provincial field conferring executive authority on the Central Government or its officers. This was, of course, a sharp reversal of the process of decentralisation which had reached its climax in 1937. The Centre was resuming its unitary grip on British India. But, as was explained in the House of Lords on the second reading of the bill, its purpose was solely to meet the emergency of war.

It will be realised, I hope [said Lord Zetland, then Secretary of State], that, while the Viceroy and I consider it essential to provide in case of necessity for a measure of unity of direction and control, we have no wish whatsoever to undermine the authority of the Provincial Governments.<sup>3</sup>

This explanation was brushed aside by the Congress leaders. A resolution of the A.I.C.C. in May ran as follows.

While the Congress is not interested as a rule in amendments to the India Act and has worked for the whole Act to be ended, it cannot tolerate an amendment which strikes at the very basis of Provincial autonomy and renders it a farce in case of war, which in effect creates a war-dictatorship of the Central Government in India, and which makes Provincial Governments the helpless agents of Imperialism. Any attempt to impose such an amendment on India must and will be resisted in every way open to the Congress. Provincial Governments are warned to be ready to carry out the policy in

<sup>1</sup> Nehru, *op. cit.*, 150.

<sup>2</sup> S. 102 (1).

<sup>3</sup> *Hansard*, H. of L., cxli 728.



this respect that may be determined by the All-India Congress Committee or the Working Committee as the case may be.<sup>1</sup>

No better example than the last sentence of this resolution could be cited of the subjection of Provincial autonomy to the dictatorship of the Congress 'high command'. Yet the protest against the bill was not unnatural; for a Congress dictatorship was at any rate not a British dictatorship, and the bill did subject the operation of Provincial self-government, which Congress Ministers had proved by experience to be real self-government, to the old direction of a Centre still responsible only to the Secretary of State and Parliament. The position would have been different, as will presently be pointed out, if the whole of the Act of 1935 could have come into force by 1939. As it was, all that could be said was that the measure was a purely temporary measure, necessitated by the rigours of war, and as such the Governments and legislatures of all the non-Congress Provinces acquiesced in it, when, only two days before the war began, it received the royal assent.

The A.I.C.C. was equally outspoken in its condemnation of the dispatch of Indian troops to Aden. It 'could only mean their employment for British imperialist purposes'. 'The Congress is determined to oppose all attempts to impose a war on India and use Indian resources in a war without the consent of the Indian people.'<sup>2</sup>

As the war-cloud darkened, Congress antagonism hardened. The resolution of the Working Committee, meeting at Wardha on August 9-12, repeated the old denunciations of British foreign policy and declared that 'India cannot associate herself with democratic freedom which is denied to her and which is likely to be betrayed'—an argument which has been persistently reiterated ever since, namely, that India cannot fight for freedom unless she herself is free. By this time, moreover, more regiments of the Indian Army had been ordered oversea—to Egypt and to Singapore—a step that had been taken, said the Working Committee, 'against the declared will of the Indian people' (*i.e.* of the Congress),<sup>3</sup> and which 'might lead to India's entanglement in a war'. Action must, therefore, be taken 'to give effect to the Congress policy', and, 'as a first step to this end, the Committee call upon the Congress members of the Central Legislative Assembly to refrain from attending the next session'. The Provincial Congress Governments, moreover, were warned 'to assist in no way the war preparations of the British Government': they must be ready to resign rather than deviate from the Congress policy.<sup>4</sup> Thus, some weeks before Hitler's attack on Poland forced Britain to fulfil her promise to defend its freedom, the Congress had been committed by its leaders to a policy of non-co-operation.

<sup>1</sup> *Indian Annual Register*, 1939, i, 351.

<sup>2</sup> *Ibid.*, i, 351.

<sup>3</sup> The party leaders in the Central Assembly, including Mr. Bhulabhai Desai, the Congress leader, were confidentially informed of the Government's intention to send the troops some time before they were actually dispatched.

<sup>4</sup> *Indian Annual Register*, 1939, ii, 214.

## II. THE PROCLAMATION OF WAR

On September 3 the Viceroy proclaimed that 'war has broken out between His Majesty and Germany' and that a state of war emergency existed.<sup>1</sup>

It was at this grave moment in the history of India and the world that the consequences of the postponement of Federation became most painfully apparent. If the Princes had not recoiled from the federal scheme, if the Congress and the League had been willing to play the same part at the new Centre as they did in the Provinces, and if in consequence the federal part of the Act of 1935 had come into force at the same time as the Provincial part or not long after, it is not unreasonable to believe that by the autumn of 1939 the new Centre would have been working at least as smoothly as the new Provincial system did in fact work in the non-Congress Provinces and more smoothly than it worked in the Congress Provinces. The Congress would probably have secured a majority of the British India seats in the Central legislature, but the Central Government could not have been a pure Congress Government owing to the presence of the States' representatives, and for that reason the Viceroy might have succeeded in obtaining such a real coalition Ministry as would have satisfied the claims of the Moslem minority and shown the way to a Hindu-Moslem settlement in the Provinces. It would have required, no doubt, a sacrifice from the Congress. It would have meant the abandonment of its unitarian policy, of its demand for the immediate democratisation of the States, of its whole conception of a Congress Raj. But, if such a sacrifice had been possible, it might well have brought India nearer to the Congress goal of freedom than any other method. It may be assumed that the responsible Ministers in charge of all the Central departments but two<sup>2</sup> would soon have found that their powers were as real as those of their colleagues in the Provinces; and, while defence and foreign affairs would still have been 'reserved' to the Viceroy assisted by Counsellors responsible to him and not to the Assembly, it may be taken for granted that under stress of the approaching crisis the Viceroy would have taken the whole Cabinet into his confidence, explaining the gravity of the world-situation and elucidating, with the Commander-in-Chief at his elbow, the strategic factors. It would have been easy, for instance, to show that Egypt, Aden and Singapore were the outer bastions of India and that their defence was at least as much an Indian as an 'imperial' interest. And, finally, when war actually came, it seems probable, so great was the general revulsion against Hitler's aggression, that Ministers would have backed without question the Viceroy's proclamation of war and brought with them the backing of the legisla-

<sup>1</sup> *Gazette of India*, Sept. 3, 1939. 'I, Victor Alexander John, Marquess of Linlithgow, Governor-General of India and ex-officio Vice-Admiral therein, being satisfied thereof by information received by me, do hereby proclaim that war has broken out between His Majesty and Germany.'

<sup>2</sup> See Part I, 189. 'Ecclesiastical Affairs' are not important enough to rank as a full department.

ture, since they would have been appointed as those party leaders and those States' representatives who commanded its confidence. Speculation on the 'might have been' is notoriously unfruitful, but it is tempting to carry it one step further and to imagine the process of advance by convention foreseen by the authors of the Act of 1935<sup>1</sup>—the Viceroy's appointment of Indian members of the legislature as Counsellors on foreign affairs and defence is an obvious example—being quickened by the impact of war, and India thus attaining in practice, if not yet in legal form, the full status of a Dominion.

As it was, India came into the war, automatically as it were, by virtue of the Viceroy's proclamation. And this procedure was inevitably humiliating to Indian nationalists; for it underlined so broadly the fact that at this historic moment the people of India could not play their part in the world on an equal footing with other peoples. In all the member States of the British Commonwealth except Eire war was declared on the advice of Ministers responsible to their own Parliaments. In Australia and New Zealand the declaration was confirmed by Parliament. In Canada and South Africa it was not made till Parliament had approved of it.<sup>2</sup> The difference in India was obvious enough. And yet it could be overstated. To say, as Congress spokesmen have often said, that India was 'dragged' into the war against its people's will or at least without their consent was not true of all the people. On September 4 Sir Muhammad Zafrullah Khan, Law Member of the Executive Council and leader of the Assembly, made a brief statement to the House on the outbreak of war. 'I am certain', he said, 'that every one of us here fully realises the gravity of the crisis and is determined to do his duty to King and country.'<sup>3</sup> This statement was accepted without comment or discussion. A similar statement was made in the Council of State. On September 11 the Viceroy addressed a joint session of both Houses. He read a message from the King which referred to 'the widespread attachment of India to the cause in which we have taken up arms', and declared his trust 'that India will speak and act as one and that her contribution will be worthy of her ancient name'.<sup>4</sup> Discussion of this address would have been out of order, but there were ways in which members of either House could have indicated their dissent if they had wished. None did so. On September 5 the Defence of India bill, to replace the ordinance issued by the Viceroy on the outbreak of war under his emergency powers, was introduced in the Assembly. It was debated for four days and also considered by a Select Committee, most of whose recommendations were accepted by the Government. The Congress members maintained their boycott of the legislature. The Congress Nationalists attended and opposed the bill, but they could muster only eight or nine votes in support of their amendments. The bill was finally passed on September 19 without a division.<sup>5</sup> There was less

<sup>1</sup> See Part I, 146.

<sup>2</sup> See Part I, 42.

<sup>3</sup> *Legislative Assembly Debates*, vol. v, no. 4, pp. 279-80.

<sup>4</sup> *Ibid.*, no. 7, pp. 481-4.

<sup>5</sup> *Ibid.*, no. 18, pp. 744-98.

criticism of the bill in the Council of State, where it was debated for three days and passed without a division on September 27.<sup>1</sup>

The attitude of the members of the Central legislature who voted for this drastic war-measure was not the only evidence of Indian public opinion assenting to India's full participation in the war. The 'high command' of the Moslem League, it is true, had not yet officially defined its position. On August 28 the Working Committee had declared that it was 'premature to determine the attitude of the Moslems in the event of a world-war breaking out', and it said no more till September 18. But no sooner was war declared than the 'League Ministries' of the Punjab and Bengal, as recorded in previous chapters,<sup>2</sup> pledged their Provinces to the support of Britain, and their legislatures duly confirmed their action. The Premier of Sind, who in his relations with the Congress and the League had taken a different line from that of his colleagues in the other non-Congress Provinces, on this occasion took his stand beside them.<sup>3</sup> The Liberals, likewise, did not quarrel with the proclamation of war. On September 10 the executive of the National Liberal Federation asked for a policy of political appeasement which would ensure the co-operation of all parties; but 'this is not the time', it said, 'for bargaining', and India should unhesitatingly and unconditionally support the democratic powers.<sup>4</sup> On September 10 the Mahasabha Working Committee likewise condemned 'the spirit of bargaining', particularly as exemplified in attempts to promote 'purely communal interest at the expense of national well-being'. India must co-operate with Britain in defence. To that end responsible government should be introduced at the Centre, the Communal Award should be revised, more Hindus should be enlisted in the Indian Army, and all the Hindus of India between 18 and 40 years of age should be organised as a Hindu national militia.<sup>5</sup>

The Princes for their part had individually assured the Viceroy of their full support on the outbreak of war, and at the next meeting of their Chamber, on March 11, 1940, a resolution was unanimously carried promising 'every possible assistance in men, money and material' to the British Government's efforts 'for upholding the cause of justice and [a pointed addition, perhaps] for maintaining the sacredness of treaties and covenants'.<sup>6</sup>

<sup>1</sup> *Council of State Debates*, vol. ii, no. 6, pp. 277-810. The purposes for which the Central Government may exercise its new authority under the Defence of India Act are enumerated in Section 2. Examples of the exercise have been the banning of 'private armies' in 1940 (see p. 51 above), the arrest of Mr. Subhas Bose in 1940 (p. 84), the withdrawal of the ban on the Communist Party in 1942 (p. 85), and the action taken against the Congress in 1942 (p. 297 below). The Rules made under the Act have been published by the Central Government from time to time. While many of them confer discretionary powers on the Central Government alone, there are also many which leave the exercise of discretion to the Provincial Governments. It seems to have been the general policy of the Centre to leave the actual enforcement of all the Rules and the making and enforcement of Orders made thereunder as far as possible to the Provincial Governments.

<sup>2</sup> See pp. 29 and 48 above.

<sup>3</sup> See p. 68 above.

<sup>4</sup> *Times of India*, Sept. 11, 1939.

<sup>5</sup> *Indian Annual Register*, 1939, ii, 844.

<sup>6</sup> *Proceedings of the Chamber of Princes*, March 11-12, 1940, pp. 10-11.

Observers are agreed that at the first impact of war public opinion throughout India and in all communities desired to accept Hitler's challenge to the cause of freedom, and that there were many Indian nationalists who remembered what that cause had owed to Britain in the past. During the first few days of the war Mr. Gandhi himself seems to have shared in this general mood so far as his pacifism permitted. Lord Linlithgow had at once asked him to come and see him. They met on September 5, and Mr. Gandhi published in his newspaper a brief account of what passed.

I knew that I had no instructions whatsoever from the Working Committee in the matter. . . . And what is more, with my irrepressible and out and out non-violence, I knew that I could not represent the national mind. . . . I told His Excellency as much. Therefore there could be no question of any understanding or negotiation with me. Nor, I saw, had he sent for me to negotiate. I have returned from the Viceregal Lodge empty-handed and without any understanding, open or secret. If there is to be any, it would be between the Congress and the Government. Having, therefore, made my position *vis-à-vis* the Congress quite clear, I told His Excellency that my own sympathies were with England and France from the purely humanitarian standpoint. I told him that I could not contemplate without being stirred to the very depth the destruction of London which had hitherto been regarded as impregnable. And as I was picturing before him the Houses of Parliament and the Westminster Abbey and their possible destruction, I broke down.<sup>1</sup>

Later in the article Mr. Gandhi wrote: 'I am not just now thinking of India's deliverance. It will come, but what will it be worth if England and France fall, or if they come out victorious over Germany ruined and humbled?'

On September 8, Pandit Nehru, who had hurried back from a visit to China, declared that the Congress was not 'out to bargain'.

We do not approach the problem with a view to taking advantage of Britain's difficulties. . . . In a conflict between democracy and freedom on the one hand and aggression on the other, our sympathies must inevitably lie on the side of democracy. . . . I should like India to play her full part and throw all her resources into the struggle for a new order.<sup>2</sup>

<sup>1</sup> *Harizon*, Sept. 9, 1939. In the same issue Mr. Gandhi gave the text of a short letter he had written to Hitler on July 22. 'Friends have been urging me to write to you for the sake of humanity. But I have resisted their request because of the feeling that any letter from me would be an impertinence. Something tells me that I must not calculate and that I must make my appeal for whatever it may be worth. It is quite clear that you are today the one person in the world who can prevent a war which may reduce humanity to the savage state. Must you pay that price for an object, however worthy it may appear to you to be? Will you listen to the appeal of one who has deliberately shunned the method of war not without considerable success? Anyway I anticipate your forgiveness, if I have erred in writing to you.'

<sup>2</sup> *Statesman*, Sept. 10, 1939. A statement by another leading Congressman, Mr. S. Satyamurti of Madras, Secretary of the Congress in the Central Legislative Assembly and a member of the Council of the Government of Madras, if by some misfortune we are forced to go to war with Germany at any time yet, it is better to be under the rule of Great Britain than Germany, for the English, in spite of certain drawbacks and the many injustices done to us, are the only people who have a regard for principles and regard for public opinion and have some good sense and political honesty left; unlike Hitler who is the professed enemy of all the black races of the world. If Hitler had been here he would have shot Mahatma Gandhi and all of us by this time. The Hitler régime would be a thousand times worse than the British. What we want is *Swaraj*, and it is no use leaving the door open to another alien power to over-run the country. *Madras Mail*, Sept. 25, 1939.

On September 15, after nearly a week's discussion, the Working Committee issued a lengthy resolution, drafted by Pandit Nehru. It condemned 'the ideology and practice of Fascism and Nazism' and the German attack on Poland, but on the other hand it took the 'gravest view' of the Viceroy's proclamation of war, the enactment of the amending bill and the promulgation of war ordinances—all without India's consent. 'The issue of peace and war must be decided by the Indian people', and they cannot 'permit their resources to be exploited for imperialist ends'. 'If co-operation is desired . . . [it] must be between equals by mutual consent for a cause which both consider worthy.' India's 'sympathy is entirely on the side of democracy and freedom, but India cannot associate herself with a war said to be for democratic freedom when that very freedom is denied to her and such limited freedom as she possesses taken away from her. . . . If the war is to defend the *status quo* of imperialist possessions, colonies, vested interests and privilege, then India can have nothing to do with it.' After commenting on the readiness of the Princes to fight for democracy without conceding it in their own States, the resolution declared that, though a final decision would not be taken now, it could not be long delayed.

The Working Committee, therefore, invite the British Government to declare in unequivocal terms what their war aims are in regard to democracy and imperialism and the new order that is envisaged, in particular how those aims are going to apply to India and to be given effect to in the present. Do they include the elimination of imperialism and the treatment of India as a free nation whose policy will be guided in accordance with the wishes of her people?<sup>1</sup>

It appeared, then; that the Working Committee was in fact 'out to bargain'. It had demanded answers to three questions. If those answers were unacceptable, presumably the Congress would do nothing to help in winning the war. This was not in accordance with the view Mr. Gandhi had expressed to the Viceroy: it was one of the very few occasions on which his opinion has been rejected by the Working Committee. 'I was sorry to find myself alone', he said, 'in thinking that whatever support was to be given to the British should be given unconditionally.'<sup>2</sup> Writing in *Harijan* some weeks later when the situation had hardened, Mr. Gandhi confessed that the Committee had been right. In any case, he reminded his readers, 'according to its constitution, the Congress is a non-violent body. Therefore its support would have been purely moral'.<sup>3</sup>

On October 10, the A.I.C.C. passed a resolution restating that of the Working Committee in briefer form, and defining a little further what was meant by the demand for an immediate change. 'India must be declared an independent nation, and present application must be given to this status to the largest possible extent.'<sup>4</sup> In view of developments in the course of the next three years, it should be observed that at this time the Congress

<sup>1</sup> *Indian Annual Register*, 1939, ii, 226-8. *India and the War*, Cmd. 6121, pp. 11-15.

<sup>2</sup> *Harijan*, Sept. 28, 1939. <sup>3</sup> *Harijan*, Nov. 4, 1939.

<sup>4</sup> *Indian Annual Register*, 1939, ii, 281. Cmd. 6121, pp. 16-17.

'high command' was apparently not asking for *complete* independence, immediately, but only for as much of it as might be *possible*.

If the Congress was bargaining, so was the League. Mr. Jinnah had evidently waited for the Congress to make the first move, and it was not till September 18 that his Working Committee produced its resolution on the war. Like the Congress resolution of the 15th, it condemned Nazi aggression, and expressed deep sympathy with Poland, Britain and France. But the British Government was warned that it could count on solid Moslem support only on two conditions. In the present, Moslems must be given 'justice and fair play' in the Congress Provinces. For the future, an assurance was required 'that no declaration regarding the question of constitutional advance for India should be made without the consent and approval of the All-India Muslim League, nor any constitution be framed and finally adopted by His Majesty's Government and the British Parliament without such consent and approval'. Further, the Government was asked 'to take into its confidence the Muslim League which is the only organisation that can speak on behalf of Muslim India'.<sup>1</sup>

One other contribution to the controversy may be mentioned. On October 3 Mr. Savarkar, President of the Mahasabha, Sir Chimanlal Setalvad, the veteran Liberal, Sir Cowasji Jehangir, an eminent Parsi, Dr. Ambedkar, one of the leaders of the Depressed Classes, and Mr. Kelkar and Mr. Mehta of the Democratic Swarajya Party wrote to the Viceroy to warn him 'not to be misled into the position enunciated by Mr. Gandhi or to regard the Congress and the Muslim League as representing the whole or even the bulk of India'. To concede, in particular, the Congress claim to be 'the only party in the land' would be 'a death-blow to democracy'.<sup>2</sup>

### III. DISSENSION AND DEADLOCK

Meantime Lord Linlithgow was seeking to bring about some measure of agreement by personal discussion. Towards the end of September he saw Mr. Gandhi again, and early in October he interviewed over fifty people, including Mr. Jinnah and other representative Moslems and such leading Congressmen as Pandit Nehru, Mr. Vallabhbhai Patel and Dr. Rajendra Prasad. On October 17 he set out the conclusions he had reached in a full public statement. It dealt with three main questions—the British Government's war aims, its intentions as to the future status of India, and the closer association of India with the prosecution of the war. As to the first question Lord Linlithgow pointed out that the British Government had not yet defined their war aims in detail, and alluded to the Prime Minister's recent declaration to the effect that Britain sought no material advantage for herself, but desired the establishment of a better international system and a real and lasting peace. Such a cause was surely entitled to India's goodwill. On the second question, after referring to the successful operation

<sup>1</sup> *Ibid.*, pp. 17-19.

<sup>2</sup> *Ibid.*, pp. 19-21.

of the Provincial part of the Act of 1935<sup>1</sup> and to the postponement of the federal part, Lord Linlithgow cited the assurance given to the House of Commons by Sir Samuel Hoare in 1935<sup>2</sup> and the text of his own Instrument of Instructions<sup>3</sup> as proof that Dominion Status was the goal of British policy in India. The scheme of government contained in the Act of 1935 embodied the greatest measure of agreement between all parties concerned that was attainable at the time, but 'His Majesty's Government will, at the end of the war, be prepared to regard the scheme of the Act as open to modification in the light of Indian views'. In any such discussions the opinions and interests of the minorities would, as their representatives had strongly urged, be given full weight. As to any 'more widely phrased indication' of British purposes—an evident allusion to the Congress demand for a declaration of independence—'the situation must be faced in terms of world politics and of political realities in this country'. The practical need was for 'that united effort by all parties and all communities in India on the basis of which alone India can hope to go forward as one and to occupy the place to which her history and her destinies entitle her'. As to the third question, the best way of associating Indian public opinion with the prosecution of the war seemed to be 'the establishment of a consultative group, representative of all major political parties in British India and of the Indian Princes, over which the Governor-General would himself preside'.<sup>4</sup>

This statement marked an advance on the pre-war position of the British Government. The federal scheme of 1935, on which so much time and thought had been expended, was to be reconsidered. But in view of its open repudiation by both the Congress and the League and its tacit repudiation by the Princes, it might be said that the scheme of 1935 had in any case small chance of ever coming into force; and as regards the immediate future the only constitutional change proposed was the creation of a purely consultative body. In other words the conditions the Congress leaders had laid down had been definitely rejected, and they at once condemned the statement as wholly unacceptable. It 'shows clearly', said Mr. Gandhi, 'that there is to be no democracy in India if Britain can prevent it';<sup>5</sup> and on October 22 the Working Committee, meeting at Wardha, gave notice that an open conflict with the Government had now begun.

The Viceroy's statement is an unequivocal reiteration of the old imperialist policy. The Committee regards the mention of the differences amongst the several parties as a screen to hide the true intentions of Great Britain. . . . The Congress has always stood for the amplest guarantee of the rights of minorities. The freedom the Congress claimed was not for the Congress or any particular group or community but for the nation and all communities in India that go to build that nation. The only way to establish this freedom and to ascertain the will of the nation as a whole is through a democratic process which gives full opportunity to all. The Committee must there-

<sup>1</sup> See p. 157 above.

<sup>2</sup> See Part I, 157-8.

<sup>3</sup> See Part I, 156.

<sup>4</sup> The full text of the statement is given in Cmd. 6121, pp. 8-10.

<sup>5</sup> *Harijan*, Oct. 21, 1939.



fore regard the Viceroy's statement as in every way unfortunate. In the circumstances it cannot possibly give any support to Great Britain, for it would amount to an endorsement of the imperialist policy which the Congress has always sought to end. As a first step in this direction the Committee calls upon the Congress Ministries to tender their resignations.<sup>1</sup>

The resolution closed with a note of caution and of warning. 'The programme of resistance . . . requires perfect discipline within the Congress ranks.' No hasty or unauthorised action must be taken. 'Any resistance that may have to be offered must be purged of all violence.' Mr. Gandhi stated later that the control of any 'civil disobedience' movement that might be launched had been entrusted to him.<sup>2</sup>

Thus, as far as the Congress was concerned, the first result of the war was to put a stop to that substantial measure of co-operation in Indian government which it had undertaken since the summer of 1937. To Congressmen of Pandit Nehru's school the end of the experiment was certainly not unwelcome. Mention has been made on an earlier page of the strain it had begun to put on unitary control by the 'high command';<sup>3</sup> and now, under the Amending Act, that control would be directly challenged by the legitimate Centre's resumption of unitary powers. Unless, indeed, the Congress leaders were willing to co-operate with the Centre in the war-effort, the position of the Congress Ministries would be impossible. And yet it is common knowledge that several Ministers were most reluctant to resign. They wanted to remain masters of their Provinces and to carry further, as far as the exigencies of war allowed, the programme of social reform on which they had only just started; and apparently they believed that some compromise might be made on the constitutional issue which would enable them to share in the war-effort and so avoid a conflict with the Centre. Discipline, however, was maintained. Mr. Rajagopalachari, the most successful of the Premiers, gave the lead on October 27. By November 15 all the other Congress Ministries had resigned. Except in Assam, the resignations were preceded by resolutions of the legislatures, which reaffirmed the Congress policy in more or less identical language. Except in Bombay, where the Opposition mustered 58 votes against the Congress 95, they were carried by great majorities.

Meantime the Moslem League had taken up a midway position. Mr. Jinnah may have felt that to go all the way with the three Moslem Provincial Premiers in unconditional support of the British Government in the war would weaken the claim he had always made to be as ardent a champion of India's freedom as any Congressman. At any rate the Working Committee in its resolution of October 22 did not accept the Viceroy's statement of October 17 as a final basis for the League's co-operation. But it did not reject it; it asked for 'further discussion and clarification of matters that are left in doubt'. On one point it attacked the statement. The federal

<sup>1</sup> *Indian Annual Register*, 1939, ii, 287-9. The boycott of the Central legislature in August had also been described as a 'first step'.

<sup>2</sup> *Harijan*, Oct. 28, 1939.

<sup>3</sup> See p. 95 above.

scheme of 1935 must not be revised, but scrapped, and the whole constitutional problem reconsidered *de novo*. On another point it commended the statement for one of the chief reasons why the Congress had rejected it—the stress it laid on the rights of the minorities.<sup>1</sup>

Thus already, it seemed, the political controversy had reached a deadlock. At the beginning of November, despite the stiffening of the Congress attitude on October 22, the Viceroy made one more effort to resolve it. It was now known that in his conversations with the politicians he had suggested something more than a consultative body at the Centre. Speaking in the House of Commons on behalf of the British Government on October 26, Sir Samuel Hoare had said that the possibility of expanding the Executive Council to include more Indian members might be considered,<sup>2</sup> and the Viceroy had discussed this proposal with the politicians. But he had found that an agreed choice of such members from different parties would be impossible without an agreement as to the composition of the Provincial Ministries. In the hope, therefore, of bringing about such an agreement and of persuading the Congress leaders to reconsider the question of resignation, he interviewed Mr. Gandhi, Mr. Jinnah and Dr. Rajendra Prasad, the Congress President for 1939-40, and 'begged them in the most earnest manner' to come to terms. 'I stressed the profound anxiety not only of myself but of His Majesty's Government to leave nothing undone which would contribute to achieve that agreement.'<sup>3</sup> This appeal was fruitless. The Congress leaders declined 'to consider any steps to further co-operation unless the policy of the British Government is made clear in a declaration on the lines suggested by Congress', and they protested against the communal question being 'dragged in' so as to cloud this main issue. The communal question would be dealt with by the Constituent Assembly. British interference in the matter had only made a settlement more difficult.<sup>4</sup> This attitude on the part of the Congress leaders, said Mr. Jinnah, precluded any discussion between them and him.<sup>5</sup>

A few weeks later the Congress policy was re-affirmed by the Working Committee, meeting at Allahabad from November 19 to 28, in terms that could only mean that the Viceroy's efforts to obtain agreement were regarded as wholly insincere. Neither the claims of the minorities nor those of the Princes, the Committee declared, were a genuine obstacle to granting the Congress demand for national independence. The British Government were 'taking shelter under irrelevant issues' in order to 'maintain imperialist domination in India'. But the main purport of the resolution was to put the Constituent Assembly, so long favoured by Pandit Nehru, in the forefront of the Congress programme as 'the only democratic method of determining the constitution of a free country' and the only 'adequate instrument for solving the communal and other difficulties'.<sup>6</sup> A few days later Mr. Gandhi,

<sup>1</sup> *Indian Annual Register*, 1939, ii, 352.

<sup>2</sup> *India and the War*, Cmd. 6121, p. 5.

<sup>3</sup> *Ibid.*, 11.

<sup>4</sup> *Hansard*, H. of C., cccii, 1688-9.

<sup>5</sup> *Ibid.*, 9-10.

<sup>6</sup> See p. 107 above.

who had hitherto shown little interest in the Assembly plan, announced his conversion to it,<sup>1</sup> and it was again propounded at a meeting of the Working Committee at Wardha on December 22.<sup>2</sup> The fact that the Moslem League repudiated the plan—the Assembly, said Mr. Jinnah, would be nothing but ‘a packed body, manoeuvred and managed by a Congress caucus’<sup>3</sup>—was entirely ignored. Yet the strength of the Moslem reaction, recorded in the last chapter, was now surely unmistakable. Was it altogether without significance that the day of this Wardha meeting happened to coincide with the League’s ‘deliverance day’?

The December meetings of the Liberals and the Mahasabha were likewise more concerned with political and constitutional questions than with the prosecution of the war. The National Liberal Federation declared that ‘Britain and France are fighting Germany in the cause of democracy and freedom’, and appealed ‘to all Indians to give their support’ to that cause; but it also expressed strong disapproval of the Viceroy’s statement, deplored the present lack of responsible government at the Centre, and urged that the Act of 1935 should be amended so that India could attain full Dominion Status at the conclusion of the war.<sup>4</sup> At the Mahasabha Session little was said about the war, but a great deal about the Moslem menace to the peace and unity of India. A series of resolutions demanded *inter alia* the annulment of the Communal Award, the immediate enactment of a constitution for India based on Dominion Status and the Statute of Westminster, and the complete Indianisation of the Indian Army as soon as possible without any distinction between the so-called ‘martial’ and ‘non-martial’ races.<sup>5</sup>

Thus, at the close of 1939, after the first four months of a war that was soon to engulf most of the world, the political controversy in India had assumed the pattern which it has kept ever since. The Congress had refused to co-operate in the war-effort unless, first, India were declared independent and the practicable maximum of self-government conceded at once, and unless, secondly, it were agreed that the future constitution should be shaped in accordance with the Congress plan. The Moslem League had acquiesced in the ‘League Ministries’ continuing their full participation in the war-effort, but otherwise it had made its co-operation with the Government conditional, first, on its refusal to agree to the Congress plan for the settlement of the future constitution and, secondly, on its acceptance of the League’s claim that the Moslems should alone determine what their place in any constitutional system was to be. The Liberals had mostly taken their stand with the Congress in principle without endorsing the methods it proposed to attain its objective. The Mahasabha had shown a willingness to support the Government in the field of the war, but an

<sup>1</sup> *Harijan*, Nov. 26, 1939.

<sup>2</sup> *News Chronicle*, Dec. 11, 1939.

<sup>3</sup> *Ibid.*, ii, 303-41.

<sup>4</sup> *Indian Annual Register*, 1939, ii, 249.

<sup>5</sup> *Indian Annual Register*, 1939, ii, 296.

apparently stronger desire to oppose the Congress and the League in the field of domestic politics. The Government for its part had pledged itself anew to India's attainment of Dominion Status after the war, but had rejected any immediate major change in the constitution. Apart from the difficulties of making such an advance in war time, it had become clearer than ever that the chief political parties were completely at variance as to the nature of that advance and the means of achieving it. The Viceroy, for his part, had made persistent efforts to obtain some measure of agreement. He had completely failed.

## CHAPTER XIX

### THE CONSTITUTIONAL POSITION

THE further course of the political controversy will be described in the next chapter, but it cannot be clearly understood without an accurate knowledge of the constitutional position. Though several features of it have been noticed in previous chapters, it seems desirable at this point, at the risk of some repetition, to review it as a whole.

#### I. THE RESPONSIBILITY OF PARLIAMENT

To the extent that India has not yet attained full self-government, a substantial residue of ultimate responsibility for the safety and administration of the country is still vested in the British Parliament. Under the Act of 1935 the responsibility for Provincial government was almost entirely transferred to the Provincial legislatures to which their Ministries were to be accountable; but even in the Provinces there remained a minimum of external control embodied in the Governors' powers to act without or against their Ministers' advice in certain circumstances, and that control is in the last resort control by Parliament since in exercising those powers the Governors are responsible to the Governor-General who in turn is responsible to Parliament through the Secretary of State. At the Centre the control is legally complete. Since the federal part of the Act of 1935 has not come into force, no department of the Central Government has been transferred to the charge of Ministers responsible to the legislature.<sup>1</sup> All the departments concerned with British India are in the charge of the Governor-General in Council, which is a corporate body collectively responsible to the Secretary of State and Parliament. Matters affecting the Indian States have been removed by the Act of 1935 from the scope of the Governor-General in Council and are now the responsibility of the Crown Representative whose office is distinct from that of the Governor-General, though it may be held by the same individual.<sup>2</sup> But, inasmuch as the Crown Representative, no less than the Governor-General and the Governor-General in Council, is accountable to Parliament through the Secretary of State, this particular change does not lessen the ultimate responsibility of Parliament for the government of India.

Within the scope of this general responsibility there are certain specific duties which Parliament is bound to discharge. It must do all it can do on its side to achieve the final fulfilment of the declared purpose of its Indian policy, the freedom of India; and, meantime, it must do its best to ensure that the security of India is maintained against attack from without and large-scale disorder within, that the rights of the minorities are safeguarded

<sup>1</sup> For the dyarchic provisions of the federal part of the Act, see Part I, 189.

<sup>2</sup> See Part I, 187.

in accordance with the pledges it has given them, that the treaty engagements with the Princes are honoured, and that the conditions under which the Secretary of State's Services were recruited are observed.

Set down on paper, this seems a formidable weight of authority still lodged in Parliament, and it is not surprising that nationalist propaganda in India and the world at large should depict it as overshadowing and well-nigh nullifying the measure of self-government so far entrusted to Indian hands. The real control of everything, it is said, is not in India but in Britain: the real ruler of India is the Secretary of State, the instrument of a reactionary Parliament, backed by that citadel of reaction, the India Office: the so-called 'Government of India' is to all intents and purposes the Governor-General alone, and he uses his autocratic power as the Secretary of State directs: the Governors and the Secretary of State's Services similarly take their place in the machine which, it is alleged, keeps India in the grasp of British imperialism.

To some extent the Indian Liberals have encouraged these misconceptions: As will appear in the next chapter, they have headed their programme with proposals for altering the operation of the existing system. They acquiesce in Parliament's retention for the time being of its ultimate responsibility, but they urge that it should be exercised differently. The Secretary of State for the Dominions, they say, should take over the duties of the Secretary of State for India, and the India Office be absorbed into the Dominions Office. Or, to cite Sir Tej Bahadur Sapru's latest suggestion,<sup>1</sup> there should be no Secretary of State concerned with India: the Governor-General should himself become a member of the British Government as Minister of State on the model of the appointments made in the Middle East and elsewhere during the war, and be represented by Parliamentary Secretaries in the Commons and the Lords. Arguments have been advanced both for and against these and other similar proposals. Their adoption, it is said on the one hand, would go far to convince Indian opinion that Indian government, though not yet full self-government, is at any rate primarily exercised in India and not in Whitehall, and would thus at once enhance the Indian sense of national self-respect and confirm the honesty of Britain's ultimate intentions. The power of Parliament, it is argued on the other hand, to do what remains of its duty to India—though in practice it may rarely need to exercise it—should not be weakened until the time comes when there is no duty left to be done. To concede the proposed changes, moreover, might be taken to imply acceptance on the British Government's part of what is implicit in Liberal statements and explicit in those of the Congress leaders, namely, that the root of India's present difficulties lies in Britain, and so encourage Indians to think that the quickest way to attain their freedom is not to bring about agreement among themselves but to go on pressing the British Government to surrender its authority. From the constitutional standpoint there is one outstanding factor in this debatable question. None of the proposed changes could be

<sup>1</sup> *The Times*, Nov. 28, 1942.

more than a change of form. The substance of Parliament's ultimate responsibility must remain till an Indian system of government has been established to which it can be safely and honourably transferred.

Meanwhile, the manner in which that responsibility is being discharged is by no means in accordance with the distorted picture given of it by nationalist propagandists. And the reason of the distortion is plain. They disregard the difference between *de jure* and *de facto*, between what may be done and what is done.

Take first the Secretary of State. How he deals with the first of the obligations enumerated above is evident to any reader of the newspapers. Since the spring of 1940, Mr. Amery has been the member of the British Government primarily concerned with the fulfilment of Parliament's intention that India should be free, with the discussion of policy on that issue with Lord Linlithgow, with its embodiment in such official statements as the 'August Offer' of 1940 or the Draft Declaration of 1942 (to be discussed in the next two chapters), and with the explanation and defence of that policy in the House of Commons. But what of the other obligations, which are not concerned with the establishment of a new system of government but with the operation of the existing system? In order to discharge those obligations does the Secretary of State 'rule India'? *De jure*, yes. *De facto*, no. The Act of 1935 declares that both the Governor-General acting personally and the Government of India (*i.e.* the Governor-General in Council)—and, of course, the Crown Representative—are 'under the general control' of the Secretary of State and obliged 'to comply with such particular directions, if any, as may from time to time be given' by him.<sup>1</sup> But it is an old and very practical tradition of British government in dealing with overseas affairs to interfere as little as may be with 'the man on the spot'; and the only instance to the contrary in recent Indian history—the attempt of Lord Morley, Secretary of State from 1905 to 1910, to impose his wishes on his 'agent', as he termed the Governor-General—may well be regarded as the exception which proves the rule.<sup>2</sup> The Secretary of State, of course, can urge his opinions on the Governor-General both in official dispatches and in personal correspondence, and, if the Governor-General rejects them, the Secretary of State can impose them on him by a formal order, which he and his Executive Council likewise are bound to obey. But on any important issue this power of control and direction, though unrestricted *de jure*, is nowadays rarely exercised. In ordinary circumstances it does not need to be and is not used.

Nor does the India Office 'rule India'. It is the department which provides the Secretary of State with the information and expert advice he needs. Whatever it may be called, some such Office must exist so long as there is a Minister concerned with India, and there must be such a Minister

<sup>1</sup> S. 314 (1).

<sup>2</sup> Students can form their own opinion of this controversy if they read Lord Morley's *Recollections* (London, 1917), vol. ii, book v, and Lady Minto's *India, Minto and Morley* (London, 1934). They will notice that Morley did not find it easy to get his way.

as long as Parliament retains its residual responsibilities in India. Apart from the major issue of constitutional development, there are various questions which require discussion and settlement from day to day between departments in the India Office and corresponding departments of the Central Government in India. But this does not mean that the India Office usurps the functions of that Government and tries to govern India. By virtue of the close and continuous contact it maintains with Parliament as the department of a member of the Cabinet, and with the various administrative institutions at the heart of the Empire, the India Office possesses certain advantages which are denied to the Government of India and could not be enjoyed by a High Commissioner. Its present-day position, therefore, in the great majority of cases, is rather that of guiding and helping as from colleague to colleague than of ordering and controlling as from master to subordinate. It is a matter of consultation and co-operation; and, especially in war time, it is not only the India Office that is concerned. It acts as the intermediary between the Indian Government and the whole of the British Government and also—in conjunction with the Dominions Office and the Foreign Office—with Dominion and foreign Governments. It is, in fact, an essential part of the administrative machinery needed for the co-ordination of India's war-effort with that of the United Nations as a whole.<sup>1</sup>

Lastly, there are some matters on which decisions taken in India require by law the sanction of the Secretary of State. For that purpose the finance department of the India Office, for example, must examine the financial policy of the Central Government and submit it to the Secretary of State for approval. Critics in India sometimes allege that Government cannot spend a rupee without the Secretary of State's permission. Any such idea is a

<sup>1</sup> The staff of the India Office in 1938-9 numbered about 400, divided roughly into 40 administrative, 50 executive, 200 clerical, 30 specialist, 80 typist. Of these approximately 190 (including 11 administrative and some military officers, all the executive and 130 clerical officers) were employed in the Military and Accountant-General's Departments. In both Departments the greatest bloc of work is connected with the grant and payment of pensions (including disability pensions) of retired personnel of the Indian Military Services and with the leave, leave pay, allotments, passages, etc., of members of those Services and of British Army and Royal Air Force personnel on the Indian Establishment. This bloc of work, engaging the great majority of the 190 officers mentioned, is almost entirely of an agency nature and constitutes 80 per cent. or more of the agency work performed by the India Office as a whole on behalf of the Government of India. There are several reasons why this considerable bloc of agency work has been retained in the India Office; the principal reason is that it is not economical, nor practical, to divorce the agency function of the payment of pensions, etc., from the administrative function of dealing with cases of complaint in these matters and, if necessary, amending the rules governing them. Such questions arising in respect of British Army and R.A.F. personnel, for whom the Secretaries of State for War and for Air must retain a degree of responsibility, must remain to be disposed of by their colleague in the British Government—the Secretary of State for India; similar considerations, due *inter alia* to the close connexion between the administrative problems affecting Indian Army personnel and those affecting British Army personnel, explain the retention by the India Office of these functions in relation to personnel of the Indian Army. A further 130 of the staff, mainly specialist and clerical, were engaged in 1938-9 on services common to the Office as a whole in the Establishment, Parliamentary, Records, Legal Advisers, Typing, Telegraph and Mails Branches, and the Library, leaving 72 (of whom 26 were clerical staff engaged in the registration and keeping of papers) in departments other than the Accounts and Military Departments dealing with the Indian States, the relations of India with certain foreign countries and with international organisations, the Secretary of State's Services, the development of Indian trade, industry, aviation and so forth, with constitutional and legal questions and with finance.



complete anachronism. The close detailed control of expenditure which existed in days gone by had already been very greatly relaxed before 1937. Under the present constitution the whole apparatus of detailed control has, over most of the field, been swept away. The need for obtaining the Secretary of State's approval to expenditure has, for special reasons, been retained in a few specific instances,<sup>1</sup> but in general the position has been clearly established that discretion whether or not to seek the Secretary of State's assent to any item of expenditure rests with the Governor-General who, in exercising it, is expected to be mindful of the Secretary of State's ultimate responsibility to Parliament for all the operations of the Government of India. Accordingly, in conformity with the *de jure* requirements, the Governor-General in Council seeks the approval of the Secretary of State for the financial provisions it makes from year to year; but the idea that the India Office would nowadays attempt to redraft the Indian budget is inconceivable.<sup>2</sup>

To sum up, the Secretary of State for India, assisted by the India Office, is the instrument by which Parliament ensures that the responsibilities it still retains in India are discharged. To that end the Secretary of State possesses full power *de jure* which is rarely exercised *de facto*. Thus the Indian nationalists' attack on the Secretaryship of State and the India Office is not so much an assault on those institutions in themselves as part of a general assault on a constitutional system under which India has not yet obtained full self-government.

## II. THE CENTRE

The existing Central Government is 'transitional'. When the Act of 1935 was passed, it was expected that the federal part of the Act would come into force in a few years' time, setting up a new Federal Executive and Legislature for all India. In the meanwhile the old Central Executive and Legislature for British India were kept in being, the requisite sections of the Act of 1919 being continued with amendments for that purpose.<sup>3</sup> But this transitional Centre, though similarly constituted, had not the same powers as the old one. In particular the scope of its authority over the Provinces had been narrowed. Its relations with the Provinces were the same as those which would exist between the Federal Government and the Provincial units of the Federation if and when it were established. To meet the needs of war, however, some of its old authority over the Provinces was restored by the Amending Act of 1939.

The Central Executive is the Governor-General in Council. The Gover-

<sup>1</sup> *e.g.*, diplomatic expenditure in certain countries because it is shared by the British Government, which is under a reciprocal obligation to consult the Government of India before sanctioning expenditure of the same kind.

<sup>2</sup> The Secretary of State cannot exercise his *de jure* power to direct the Government of India to incur expenditure unless his Advisers concur: Act of 1935, S. 814 (2). This is a survival in modern form of the check imposed by Parliament in the Act of 1858 on the power of the British Executive to spend Indian money.

<sup>3</sup> Act of 1935, S. 817 and Ninth Schedule.

nor-General is appointed by the Crown on the advice of the Prime Minister and he is responsible to Parliament through the Secretary of State. The other Members of the Executive Council are appointed by the Crown on the advice of the Secretary of State, acting in practice on the recommendation of the Governor-General, and they also are responsible through the Secretary of State to Parliament. No limit is set to their number, but the old requirement that three of them must have had at least ten years' service of the Crown in India and one must be a member of the legal profession<sup>1</sup> has been retained.

The position of the Governor-General is often misunderstood. Much that is said about him in the Indian Press implies that he is an autocrat, and that the function of his Executive Councillors is merely to tender him advice which he is free to accept or reject as he thinks fit. It is true that the effect of the Act of 1935 was to enlarge to a limited extent the scope of the Governor-General's 'personal' authority; for, while it curtailed the general power of the Centre over the Provinces, it provided that the Governor-General personally and not the Governor-General in Council should control the Provincial Governors if they were 'exercising their individual judgment' or 'acting in their discretion' or in other words if they were obliged to operate the 'safeguards' and act against or without their Ministers' advice.<sup>2</sup> But over almost all the rest of the field of government the Governor-General has to work with his Executive Councillors who constitute together with him a statutory corporation making collective decisions for which he and they are collectively responsible. He sits with them in no sense as their master but rather as their colleague; he is *primus inter pares*. For the administration of the departments of which the Members are in charge they are answerable not to the Governor-General alone but to the Governor-General in Council, i.e. the Government as a whole. And the Governor-General in all matters, save only those few in which he is required to exercise his personal authority, is normally expected, like his colleagues, to accept the majority decision of the Council.

If any difference of opinion arises on any question brought before a meeting of the Governor-General's Executive Council, the Governor-General in Council shall be bound by the opinion and decision of the majority of those present, and, if they are equally divided, the Governor-General or other person presiding shall have a second or casting vote.<sup>3</sup>

But there is a proviso.

Provided that, whenever any measure is proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British India, or any part thereof, are or may be, in the judgment of the Governor-

<sup>1</sup> 'A barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, or a pleader of a high court, of not less than ten years' standing.' Ninth Schedule, S. 86.

<sup>2</sup> See Part I, 186.

<sup>3</sup> Ninth Schedule, S. 41 (1).

General, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the Council dissent from that opinion, the Governor-General may, on his own authority and responsibility, adopt, suspend or reject the measure, in whole or in part.

In every such case any two members of the dissentient majority may require that the adoption, suspension or rejection of the measure, and the fact of their dissent, be reported to the Secretary of State, and the report shall be accompanied by copies of any minutes which the members of the Council have recorded on the subject.<sup>1</sup>

Thus, subject to the obligation to report to the Secretary of State, the Governor-General is authorised to act against the wishes of his Council on virtually any question—the word ‘interests’ is plainly open to wide interpretation—and, if indeed he were frequently to use this authority and were supported in its use by the Secretary of State, then ‘autocrat’ would not be altogether a misnomer. But in fact this overriding power is only a reserve power. It is entrusted to the Governor-General *de jure* to ensure that the residue of Parliament’s responsibility for the government of India can in the last resort be fulfilled. But *de facto* the power stays in reserve. Speaking at Aligarh on August 24, 1942, Sir Firoz Khan Noon<sup>2</sup> is reported to have said:

I have been in office since October 3, 1941, and I can say this without fear of contradiction that on not a single occasion has the Viceroy ever overruled me. . . . The experience of every one of us is exactly the same. I hope I am not divulging any official secrets when I say that on many an occasion there have come up questions before the Executive Council which some of us considered as being of a controversial nature. Not in a single case has the Viceroy ever vetoed the decision of the majority in favour of the minority.<sup>3</sup>

This was confirmed by Sir J. P. Srivastava in the course of a debate in the Council of State at the end of September.

We Executive Councillors to-day are being treated in the most liberal manner, and we have never had an instance in which the Governor-General has deemed it fit to exercise his veto.<sup>4</sup>

It is not true, then, that the Governor-General is an autocrat, but it would be equally false to suggest that he has no more power than his colleagues in the Council. He not only presides over it, with a casting vote at need, and arranges the conduct of its business, but he discusses all important departmental matters separately with the Members of Council in charge of them; and, while he may never overrule, his experience and authority must give weight to his opinions with his colleagues, whether he is dealing with

<sup>1</sup> Ninth Schedule, S. 41 (2) and (3).

<sup>2</sup> Member of Council for Labour, 1941-2; Defence Member since July 1942.

<sup>3</sup> *Statesman*, Aug. 26, 1942. Summary in *The Times*, Aug. 27, 1942.

<sup>4</sup> *Council of State Debates*, vol. ii, no. 3, p. 149.

them singly or with all of them in Council.<sup>1</sup> Moreover it is for the Governor-General to determine whether a matter is of sufficient importance to go to Council. In war time British Prime Ministers have been known on occasion and under pressure of events to settle things departmentally, and in India as in Britain the constitution does not work in war exactly as it does in peace. Normally, however, it would be unconstitutional for the Governor-General to overstretch his personal authority; and the law intends that all matters of real importance should be discussed by the Council, and, unless the Governor-General should exercise his overriding power, decided by it.

In view of developments to be recorded in Chapter XXI one further question as regards the Executive Council may be considered here. To what extent, if at all, could it operate as a 'Cabinet'? The answer to that involves once more the difference between *de jure* and *de facto*. In law the Central Council is on a wholly different footing from that of a British Cabinet or of a Provincial Ministry under the Act of 1935. Above all, its members are responsible not to the Central legislature but to the Secretary of State and Parliament. But if in fact its decisions were not overridden by the Governor-General and if in fact those decisions were approved by the majority of the legislature, then the manner in which it operated would be comparable with the manner in which a Cabinet operates. 'We have been allowed', said Sir J. P. Srivastava in the speech quoted above, 'to function as a composite Government. What the law cannot do can be done by practice and convention.'<sup>2</sup> And in the course of the same debate Sir Jogendra Singh, the new Sikh Member of Council, went further. 'It is not our purpose to make bibles out of the fading script of rules which may not suit the new complexion of the expanded Council. It shall be the endeavour of all our colleagues who think alike to transform the Executive Council into a Cabinet if you [the Council of State] play your part.'<sup>3</sup>

Such being the constitutional position, the personnel of the Council is obviously of great importance. In September 1939, it was composed as follows: (1) Lord Linlithgow,<sup>4</sup> Governor-General, (2) General Cassels, Commander-in-Chief, (3) Sir R. M. Maxwell, Home Department, (4) Sir A. J. Raisman, Finance, (5) Sir Muhammad Zafrullah Khan, Law, (6) Sir Jagdish Prasad, Education, Health, Lands, (7) Sir A. G. Clow, Railways and Communications, (8) Sir A. Ramaswami Mudaliar, Commerce and Labour. It will be noted that of the seven Members of Council apart from the Viceroy four were British and three Indian.

<sup>1</sup> The Governor-General himself holds the portfolio of External Affairs. If the federal part of the Act of 1935 had come into force, External Affairs and Defence would have been 'reserved' and not subject to decision by the whole Government (see Part I, 139). Under the existing constitution there is no dyarchy: External Affairs and Defence are as much within the scope of the Council's corporate responsibility as any other subject.

<sup>2</sup> *Council of State Debates*, vol. ii, no. 8, p. 149.

<sup>3</sup> *Ibid.*, p. 128.

<sup>4</sup> Lord Linlithgow was appointed for five years on April 18, 1936. His tenure of office was twice extended for one year and once for six months. He was succeeded by Lord Wavell on 10 October 1949.

When the Council was enlarged for the first time in July 1941,<sup>1</sup> Lord Linlithgow, Sir B. M. Maxwell, Sir A. J. Raisman and Sir A. G. Clow retained their posts. The Commander-in-Chief was now General Wavell. Sir A. Ramaswami Mudaliar remained in charge of Commerce, now separated from Labour. Sir Syed Sultan Ahmed became Member for Law, Sir Firoz Khan Noon for Labour, Mr. N. R. Sarker for Education, Health and Lands, and Mr. M. S. Aney for Indian Overseas. Three new Memberships were created—Information, Supply and Civil Defence: these were held by Sir Akbar Hydari, Sir H. P. Mody and Mr. E. Baghavendra Rao. Of the twelve Members of the Council apart from the Viceroy, eight were now Indian and four British. All the former were distinguished and experienced men. Most of them had held high office before as Adviser to the Secretary of State or as High Commissioner in London, as members of Provincial Governments and so forth. Sir Akbar Hydari was the veteran chief of the Hyderabad administration and a leading figure at the Round Table Conference. But only two of them were party politicians for whom the enlargement of the Council had been originally intended, and both of them had left their party. Mr. Sarker had ceased to be a Congressman before he became Finance Minister in Bengal.<sup>2</sup> Mr. Aney, a lifelong nationalist, had recently broken with the Congress owing to its attitude to the war.

In July 1942, the Council was again enlarged. The department of Railways and Communications was divided into departments of War Transport and of Posts and Air, and the Defence Department into a War Department and one which retained the old name and some of the old functions together with new duties transferred from other departments. A membership without portfolio was also established, to be held by the representative of India in the British War Cabinet. In this Council Lord Linlithgow, General Wavell, Sir B. M. Maxwell, Sir A. J. Raisman, Sir Sultan Ahmed, Mr. M. S. Aney, and Sir H. P. Mody retained their previous posts. Sir Akbar Hydari and Mr. Baghavendra Rao had died. Mr. N. R. Sarker became Member for Commerce, Sir J. P. Srivastava for Civil Defence, Sir C. P. Ramaswami Aiyar for Information, Sir Jogendra Singh for Education, etc., and Dr. Ambedkar for Labour. Of the new departments Sir Firoz Khan Noon took charge of Defence, Sir E. C. Benthall of War Transport, and Sir Muhammad Usman of Posts and Air. Sir Ramaswami Mudaliar became the Member without portfolio. There were now fifteen Members apart from the Viceroy, and of these eleven were Indian and four British. Of the latter one was the first representative of the British resident community. In Dr. Ambedkar and Sir Jogendra Singh the Depressed Classes and the Sikhs likewise had now for the first time their representatives on the Council.

One further comment is required on the character of the Central Executive. In a country engaged in modern warfare the whole Government is a war Government—there is no department of it which is not directly or

<sup>1</sup> See p. 260 below.

<sup>2</sup> See p. 27 above.

indirectly concerned with the war-effort—but its most important responsibility is the control of the armed forces. In India this was centralised, till the summer of 1942, in the Defence Department and thereafter in the War Department. The Commander-in-Chief was and is the Member of Council in charge,<sup>1</sup> and at the same time he was and is the professional head of the armed forces. Owing to the fact that India has not yet acquired the full status and equipment of a self-governing nation, the character of these forces is different in one respect from that of a Dominion: they contain a substantial British element. The strength of the British regular troops posted in India, which in July 1939 was about 50,000, has been greatly increased in the course of the war, and in the Indian Army, the main instrument of India's defence, the officers are mostly British. In 1939 a scheme for increasing the proportion of Indian officers<sup>2</sup> was already in operation; and, as the strength of the Indian Army grew by voluntary recruitment from about 200,000 in September 1939 to well over one million in December 1942, this process of 'Indianisation' was speeded up. But the senior officers and a majority of the subalterns are still British. The Indian Navy, also, which, though still small, has increased tenfold since the war began, is mainly British-officered. In the Indian Air Force, which has undergone a similar expansion, the proportion of Indian officers is much higher than in the other services. All these forces, though the navy and air force have their own chiefs, are under the control of the Commander-in-Chief. For this unified command he has a dual responsibility. For the operation of the forces in his charge outside India he is responsible to the British Government. For the defence of India on her own soil and for the internal military security of the country he is responsible to the Governor-General in Council. Thus the constitutional control of Indian defence is mainly exercised in India. Once again it is only a reserve or ultimate authority that is retained in England.

As recorded in the last chapter, the formation of a consultative body on defence was suggested by Lord Linlithgow in October 1939. In October 1941 this body, called the National Defence Council, held its first session. It consisted of about thirty persons, nominated by the Viceroy, to represent both British India and the States.<sup>3</sup> It has since met at intervals of about two months. Its discussions, at which the Commander-in-Chief and other military experts have been present, have naturally been secret.

So much for the Central executive. The Central legislature is similarly 'transitional'. The present Assembly or lower house was elected in the

<sup>1</sup> The C.-in-C. is not necessarily a member of the Council (Ninth Schedule, S. 37), but, since the Curzon controversy in 1905, he always has been. No other soldier, if appointed to the Council, may hold a command or be engaged in military duties during his period of office (S. 36 (4)). The Secretary to the Defence Department has in recent years been a civilian.

<sup>2</sup> See Part I, 88.

<sup>3</sup> The Defence Council should not be confused with the Defence Consultative Committee of the Central legislature which was set up in the summer of 1941 and consists of six non-official members of the Assembly and four non-official members of the Council of State with the Commander-in-Chief as chairman.

winter of 1934-5 under the electoral provisions of the Act of 1919; its three-year life has been extended for one year six times. The present Council of State or upper house was elected under the same Act in 1937: its five-year life has been extended on two occasions to the end of 1943.

Of the 140 members of the Assembly 26 are officials and 13 non-official nominated members. The party distribution of the 101 elected members in 1935 was Congress 44, Congress Nationalists (mostly Mahasabha) 11, Independents 22 (of whom 19 were Moslems), Europeans 11. In December 1942, as the result of occasional by-elections, the distribution was Congress 38, Nationalists (the Congress prefix was dropped in 1942) 13, Moslem League (formerly Independents) 23, Europeans 11.

Throughout the war years the proceedings of the Assembly have been shorn of much of their importance and most of their vigour and eloquence by the boycott ordered by the Congress 'high command' in August 1939. More than once the Congress members have asked the Working Committee to lift the ban, but except on one occasion, to be mentioned presently, it has not been lifted.<sup>1</sup> The Moslem League members withdrew from the autumn session of 1941 for reasons that will be given in the next chapter.<sup>2</sup> The Nationalists have attended regularly and usually opposed the Government, but the support of other parties, together with the official vote, has normally given the Government a majority it never enjoyed before the war. The most important legislation, apart from finance bills, which it has proposed has been the Defence of India bill of 1939, and that, as has been seen, was carried. For six successive years from 1934 onwards the budget was rejected and had to be 'certified',<sup>3</sup> but in 1940, 1941 and 1942 it was carried by substantial majorities. In the autumn of 1940 the Congress 'high command' relaxed the ban on attendance in order to oppose a supplementary Finance bill. The Moslem League members abstained from voting, and the result was a Government defeat by 55 votes to 53. The bill was 'certified'.

In the Council of State, though the Government has been sharply criticised on occasion, especially by members of the Nationalist party, it has commanded an even more secure majority than in the Assembly. The 'certified' Finance bill was carried by 27 votes to 11.

The Chamber of Princes, as constituted under the Montagu-Chelmsford scheme, has continued to hold its annual sessions.<sup>4</sup>

One other important part of the Central machine must be mentioned. The Federal Court, which was created by the Act of 1935—with original

<sup>1</sup> Individual Congress members have attended from time to time to prevent their seats being regarded as vacated by absence, but they have taken no part in the proceedings.

<sup>2</sup> The League members also withdrew for a few days in the spring of 1941 by way of protest on a communal question in railway administration.

<sup>3</sup> If a bill has been rejected by one chamber and is thereafter 'certified', it is presented to the other chamber, and, if passed, becomes law on receiving the Governor-General's assent. If rejected by both chambers it requires the Governor-General's assent alone. Government of India Act, 1935, Ninth Schedule, S. 67B (1).

<sup>4</sup> This is a purely consultative body: see Part I, 60; 64.

jurisdiction on issues of legal right between the Federation and one or more of its component units or between units *inter se* and with appellate jurisdiction on appeal from the High Courts,<sup>1</sup> was brought into being on October 1, 1937, with the same jurisdiction on issues between the Central and Provincial Governments as it would have exercised on a federal basis if the whole of the Act had come into force. Its President, Sir Maurice Gwyer, thus became the first Chief Justice of India.

### III. THE PROVINCES

Three of the eleven Provinces—Bengal, the Punjab and Sind—have, as has been seen, continued under responsible government throughout the war. Assam would have had the same unbroken record but for the interval of 'Governor's rule' between December 1941 and August 1942. Orissa followed the Congress lead in November 1939, but joined the Ministerial Provinces in November 1941.

The position of these Provinces on the constitutional issue is clear. Their Governments and legislatures are committed by their own volition to the war-effort. They have made no conditions. They have made it clear that they expect India to attain full Dominion Status as soon as possible after the war, but they have accepted the pledges given by the Viceroy and the Secretary of State on that point, and have not asked for any major constitutional change in the meantime. They have acquiesced in the recovery of unitary control by the Centre, and have made no difficulty in co-operating with it in their various common war tasks or in the maintenance of law and order. As in other democracies at war, it is recognised that the assumption of emergency powers does not imply the abandonment of constitutional principles. There are dissident minorities in all these Provinces, but the majorities of their electorates are supporting their war Governments under a constitutional system in which, for the duration of the war at any rate, they acquiesce. And their populations amount in the aggregate to a considerable fraction of the population of all India. The people of Bengal number about 60½ millions, of the Punjab 28½, of Assam 10½, of Orissa 8½, of Sind 4½—a total of over 112 millions.

The other six Provinces—Madras, Bombay, Central Provinces, United Provinces, Bihar and the North-West Frontier Province—with an aggregate population of over 181 millions,<sup>2</sup> have been deprived of responsible government since the early months of the war. When the Congress Ministries resigned, no other Ministries could be formed which could command majorities in their legislatures. The authors of the Act of 1935 had foreseen the possibility of such a deadlock, and had accordingly inserted Section 93, entitled 'Provisions in case of failure of constitutional machinery'. Its first clause runs as follows:

<sup>1</sup> Government of India Act, 1935, Part IX and S. 818.

<sup>2</sup> Madras 49·84 millions, Bombay 20·9, C.P. 16·8, U.P. 55, Bihar 36·8; N.W.F.P. 8. Total 181·84 millions.



If at any time the Governor of a Province is satisfied that a situation has arisen in which the government of the Province cannot be carried on in accordance with the provisions of this Act, he may by Proclamation (a) declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion, (b) assume to himself all or any of the powers vested in or exercisable by any Provincial body or authority.

The clause goes on to provide (1) that the powers and functions of High Courts are to be excepted from any such assumption of powers, (2) that such a Proclamation shall be communicated forthwith to the Secretary of State and laid before both houses of Parliament, and (3) that it shall cease to operate at the end of six months unless it is continued in force for a further twelve months by a resolution of both houses of Parliament, and shall not in any case remain in force for more than three years.<sup>1</sup> Another clause provides that a Governor shall act under the Proclamation 'in his discretion', but that his issue of the Proclamation requires the assent of the Governor-General 'in his discretion'.<sup>2</sup>

Proclamations were issued in all the Congress Provinces in October and November 1939, under which the Governors assumed to themselves the functions hitherto exercised by the Councils of Ministers and the legislatures. They were thus empowered both to control the whole of the Provincial administration and to make laws for all Provincial purposes, including taxation and supply. And in all this they were to act 'in their discretion'. The Act had made no provision for the restoration of the old-time Executive Councils. In place of them the Governors appointed Advisers, usually two or three in number, from among the senior officials in their Provinces. Thus, subject to the control of the Governor-General and the Secretary of State, the Governors had become autocrats, such as they had never been before.<sup>3</sup> Government in these 'Section 93 Provinces', as they were called, was now not only not responsible government, it was not even representative government. But it must be remembered in the first place that this drastic retrogression was intended, as is clearly shown by the provisions of the Act, to be only temporary, and, secondly, that it was the unavoidable result of the Congress leaders' decision to bring the operation of the existing system to an end. They were enabled to do this by the majorities they commanded in the legislatures. Representative government by itself—i.e., popular control of legislation but not of the executive—could not operate against the will of those majorities. Responsible government could not operate unless those majorities supported Ministers. Thus the fact that these Provinces have been deprived of the popular government which the others have

<sup>1</sup> This last provision necessitated Parliament's enactment in October 1942 of an *ad hoc* measure—India & Burma (Temporary & Miscellaneous Provisions) Act, 1942—enabling the Proclamations to be continued in force during the period of the war and for twelve months thereafter.

<sup>2</sup> S. 93 (5).

<sup>3</sup> For the early Executive and the later Legislative Councils see Part I, 9, 21.

continued to enjoy is entirely due to the deliberate action of the Congress 'high command'.

For the purposes of this Report the working of the constitution as described in Chapters IV to XIV is more important than the operation of an emergency *régime*. It will suffice to deal with the latter in summary form.

(1) The output of legislation in the Section 93 Provinces has been small, partly owing to the war, partly owing to the fact that it has been impossible for 'caretaker' Governments to plan long-term policies. Governors have enacted a few useful new measures such as the Acts for the reorganisation and control of the important sugar industry in the United Provinces and Bihar.<sup>1</sup> Generally speaking, the legislative policy of the Congress Ministries has not been reversed. Several of their Acts have been amended, but only to correct legal or technical deficiencies. Prohibition has been maintained in the areas in which the Congress Ministers imposed it, except in Bombay and the United Provinces; but it has not been extended as they had proposed to extend it.

(2) There has been no change in financial policy. No new taxes have been levied: the old ones have been retained and in some cases reduced. An expanding revenue, due mainly to the rising yield of income tax, has made it possible not only to meet new war expenditure but also to expand the social services and to strengthen reserves.<sup>2</sup>

(3) In general administration it was easy to revert to the old *régime*—too easy, said Congress critics. But, if the Services had been freed from the strain occasioned by unofficial interference and by the tendency towards establishing a 'parallel' government which, as has been seen, was checked but not entirely suppressed by the Congress Ministries, their members have not forgotten that sooner or later popular government in some form or other will be restored.

(4) In the field of law and order labour troubles have diminished and by the end of 1942 at any rate there had been a marked decline in communal trouble. In the United Provinces, where the increase of communal disorder had been greatest before the change of *régime*, the decrease has been likewise greatest. But the general lessening of open outbreaks has not meant that Hindu-Moslem antagonism has weakened. Observers are agreed that there is only, so to speak, a truce while a neutral Government once more holds the scales. For that reason alone it is hard to contemplate the restoration of pure Congress Ministries.

(5) The popular reaction to the change-over cannot easily be judged. Congress spokesmen have naturally condemned it from the outset. The existing Governments, they say, are shorn of the moral sanction which their own possessed: they are governing not merely without the consent of the people, but against their will. As regards the great agrarian majority that is probably an overstatement. The peasantry as a whole seem to have been

<sup>1</sup> I of 1941 in both Provinces.

<sup>2</sup> See Chapter XV and tables.

more or less apathetic. It may well be that their most urgent economic grievances were so largely remedied by Congress legislation that their personal interest in politics has flagged. Congress orators touring the countryside are not so sure as they were of an attentive audience. Nor has the urban public displayed any sharp or sustained antagonism to the official Government. But it is generally agreed that, if the emergency *régime* were ended and new elections held, the Congress organisation is still quite strong enough, if it exerts itself, to secure majorities again in most, if not quite all, of these Provinces, though both the Moslem League and the Mahasabha are much stronger than they were. It is difficult, however, to contemplate an electoral conflict on the same lines as the last; for the League, as has been seen, insists that the constitution must never again be worked as the Congress worked it from 1937 to 1939, and that sentiment is widely shared among other minorities.

Such, in brief, has been the constitutional background to the political controversy which has divided India since the outbreak of the war. Obviously the government of India is not yet full self-government, though, except in those Provinces in which the Congress leaders have relinquished of their own accord the power they wielded from 1937 to 1939, it comprises *de facto* a very substantial measure of self-government. In any case it can hardly be regarded by serious students of politics as deserving the language used of it by Congressmen. The constitution is not a 'slave constitution'. Nor are those Indians who have continued to work it since 1939—the Indian Members of the Central Government, the wholly Indian Ministries in the non-Congress Provinces, and the Indians attending the Central and Provincial legislatures—the agents of an 'arrogant imperialism'.

## CHAPTER XX

### THE POLITICAL DEADLOCK

#### I. THE 'BLITZKRIEG' AND THE 'AUGUST OFFER'

IN a speech at Bombay on January 10, 1940, the Viceroy re-stated the British Government's policy. Its objective was India's attainment of full Dominion Status—'of the Statute of Westminster variety', as he put it—as soon as possible after the war. To that end the scheme of the Act of 1935 would be reconsidered in consultation with Indian opinion. The 'interests of Indian unity' would demand the inclusion of the Indian States in any new constitution, and British promises as to the safeguarding of minority rights would have to be honoured. Meantime, as an immediate step, it was proposed to enlarge the Central Executive Council by the appointment of some of the Indian party leaders.

The responsibility that falls on the great political parties, and their leaders is a heavy one. . . . I ask for their co-operation and assistance in terminating at as early a date as possible a state of things which all who have faith in the virtue of constitutional progress must deplore.<sup>1</sup>

In an interview on February 6 Lord Linlithgow explained this policy to Mr. Gandhi. 'We parted as friends', said Mr. Gandhi afterwards, but in his view a settlement between India and Britain was impossible till the British Government conceded India's claim to determine her own constitution and status without interference from outside. Then all the questions, external questions such as defence and British commercial interests, internal questions such as the position of the States and the rights of minorities, would be 'automatically dissolved'.<sup>2</sup>

That the Congress was determined to yield no ground was shown again by the uncompromising resolution framed by the Working Committee and adopted on Pandit Nehru's motion by the Congress Session at Ramgarh on March 19. Its main points were as follows:

The recent pronouncements made on behalf of the British Government with regard to India demonstrate that Great Britain is carrying on the war fundamentally for imperialist ends and for the preservation and strengthening of her Empire which is based on the exploitation of the people of India as well as of other Asiatic and African countries. Under these circumstances it is clear that the Congress cannot in any way, directly or indirectly, be party to the war. . . .

Indian freedom cannot exist within the orbit of imperialism, and Dominion or any other status within the imperial structure is wholly inapplicable to India. . . . The people of India alone can properly shape their own constitution and determine their relations to the other countries of the world through a Constituent Assembly elected on the basis of adult suffrage. . . .

The rights of all recognised minorities will be fully protected by agree-

<sup>1</sup> *Indian Annual Register*, 1940, i, 378-5.

<sup>2</sup> *Ibid.*, 221.

ment, as far as possible, between the elected representatives of various majority and minority groups or by arbitration<sup>1</sup> if agreement is not reached on any point. . . .

The Congress cannot admit the right of the Rulers of Indian States or of foreign vested interests to come in the way of Indian freedom. Sovereignty in India must rest with the people, whether in the States or in the Provinces.<sup>2</sup>

Up to this point the political controversy had not been affected by the fortunes of the war. Nothing much, indeed, had happened in Europe, and it seemed as if, in this war as in the last, India would remain outside the active battlefield. But in mid-April the *blitzkrieg* broke on Norway and Denmark; in quick succession Holland, Belgium and France collapsed; on June 24 Hitler declared that the war in the West was over.

One of the earliest effects of this catastrophe was a change of Government in Britain. In May Mr. Churchill replaced Mr. Chamberlain as Prime Minister, and Mr. L. S. Amery succeeded Lord Zetland as Secretary of State for India. Everyone knew that Mr. Churchill had led the opposition of the right-wing Conservatives to the Indian policy of Mr. MacDonald and Mr. Baldwin, but it was remembered in Britain, though not, it seemed, in India, that in the great debates of 1935, when Mr. Churchill attacked the bill clause by clause, it was usually Mr. Amery who had followed him and contested his arguments. Answering in the House of Commons the first question put to him as Secretary of State, Mr. Amery declared once again that India's attainment of free and equal partnership in the Commonwealth was the goal of British policy. The promised reconsideration of the constitution implied, he pointed out, discussion, not dictation, and the Government were anxious to do all they could to promote an agreement among Indians as to the shape it should take.<sup>3</sup> In the following weeks a new declaration of policy on the lines of this speech was under consideration by Mr. Amery and Lord Linlithgow, and towards the end of June the latter sounded Indian party leaders, Mr. Gandhi and Mr. Jinnah in particular, as to the possibilities of a provisional agreement.

In India the effect of the *blitzkrieg* was profound. Britain, it seemed, was soon to share the fate of France; and, even if the British Government continued to fight from some refuge outside Europe, the Germans could scarcely be prevented from occupying the Mediterranean and the Suez Canal and descending thence on India. The strategic implications of the new situation were forcibly brought home when in mid-June Parliament passed the India and Burma (Emergency Provisions) Act, transferring to the Governor-General, 'in the event of a complete breakdown of communications with the United Kingdom', some of the power exercised by the Secretary of State. About this time there were disquieting symptoms of an incipient panic among the propertied classes—withdrawals from banks,

<sup>1</sup> Mr. Gandhi, in the statement quoted above, spoke of differences being referred to 'the highest and most impartial tribunal that can be conceived by human ingenuity'. *Indian Annual Register*, 1940, i, 21.

<sup>2</sup> *Ibid.*, ii, 229.

<sup>3</sup> May 28, 1940. *Hansard*, H. of C., cccxi, 288-5.

hoarding, the circulation of wild rumours—but these tendencies were checked by appeals from the Viceroy and the party leaders.

Some Congressmen joined in these appeals, and there was a change of tone in the references to Britain, now so evidently fighting with her back to the wall. 'We do not seek our independence', said Mr. Gandhi, 'out of Britain's ruin.'<sup>1</sup> Though India had her grievances, said Dr. Rajendra Prasad, he could not but wish that England and France should win the war.<sup>2</sup> Pandit Nehru's tone was a little different. 'While India is completely opposed to the idea of the triumph of Nazism', he said, 'it is no good asking her to come to the rescue of a tottering Imperialism.' And again, though 'England's difficulty is not India's opportunity', India could not suspend her fight for liberty: 'our internal policy must be guided by one consideration only—the freedom of India and the attitude of the British towards that freedom'.<sup>3</sup>

Meeting on June 17 and deliberating for four days—the days on which the fate of France was settled—the Working Committee resolved that 'the national struggle for freedom' must continue on its non-violent course. War committees aimed at increasing the war-effort and therefore must not be supported. No Congressman must contribute to war funds or enlist in civil guards under official control. But this programme of non-co-operation, backed, as it still was, by the threat of a 'civil disobedience' campaign, was not the chief nor the most striking feature of the resolution. The Committee were primarily concerned with the dangers now threatening the peace of India, the possibility not only of invasion but also of an internal upheaval 'in a period of transition and dynamic change' which would follow—so they were evidently thinking—the collapse of British rule; and with that prospect in view the majority of them, including Pandit Nehru and Mr. Rajagopalachari, decided that it would not be safe to trust to the leadership of so wholehearted a pacifist as Mr. Gandhi.<sup>4</sup> Though it would mean that his immense prestige with the mass of the people would be no longer at their back, they made, as Mr. Gandhi put it,<sup>5</sup> the 'tremendous sacrifice' of breaking with him. Mahatma Gandhi, a resolution ran, 'at this critical phase in the history of man', desires the Congress to be true to the creed of non-violence and to declare its unwillingness 'that India should maintain armed forces to defend her freedom against external aggression or internal disorder'. The Committee 'are unable to go the full length with Gandhiji, but they recognise that he should be free to pursue his great ideal in his own way and therefore absolve him from responsibility for the programme and activity which the Congress has to pursue', namely, the 'parallel'

<sup>1</sup> *Harijan*, June 1, 1940.

<sup>2</sup> *Ibid.*, May 12 and 26, 1940.

<sup>3</sup> On July 6 Mr. Gandhi issued an appeal 'to every Briton, wherever he may be, to accept the method of non-violence instead of the method of war for the adjustment of relations between nations'. Britain should fight Nazism without arms. Let Hitler and Mussolini have what they want of the British Empire and 'take possession of your beautiful island' if they wish. *Harijan*, July 6, 1940.

<sup>4</sup> *Harijan*, June 29, 1940.

<sup>5</sup> *Hindustan Times*, May 12, 1940.

organisation of self-defence and the maintenance of public security throughout the country by Congressmen on their own account.<sup>1</sup> This resolution was duly adopted by the A.I.C.C. Meeting at Poona on July 27 and 28.<sup>2</sup>

Pacifism was not the only issue on which the majority of the 'high command' seemed now to be at odds with Mr. Gandhi. He had made it clear that he would have nothing to do with proposals for the restoration of ministerial government in the Congress Provinces and the entry of Congressmen into the Central Council; but he seems to have feared that those proposals might be more attractive to some of his followers than they were to him. On July 6, a week after he had seen the Viceroy, he published a warning article in *Harijan*.

The Congress has to make its choice. The temptation is irresistible. Congressmen can again become Cabinet Ministers [in the Provinces]. They may also be Ministers or Members at the Centre. They will have an insight into the war machine. . . . They will have to raise crores of rupees and dispose of them in the war-effort. . . . I would have the Congress resist this irresistible temptation. . . . For the Congress to merge itself into the stereotyped method would be a disaster of the first magnitude. If, on the other hand, the Congress sticks to its colours, it is sure to fight its way to its goal even before the war is over, provided the fight is purely, truly and demonstrably non-violent.<sup>3</sup>

The Working Committee did not altogether heed this warning. They were prepared, it seemed, for the Congress to take a hand in government provided it was on their own terms. Meeting again from July 3 to 7, they coupled their renewed demand for an immediate and unequivocal declaration of the 'full independence of India' with a new proposal.

As an immediate step to giving effect to it, a provisional National Government should be constituted at the Centre which, though formed as a transitory measure, should be such as to command the confidence of all the elected elements in the Central Legislature and secure the closest co-operation of the responsible Governments in the Provinces. The Working Committee are of opinion that, unless the aforesaid declaration is made and a National Government accordingly formed at the Centre without delay, all efforts at organising the material and moral resources of the country for defence cannot in any sense be voluntary or as from a free country, and will therefore be ineffective. The Working Committee declare that, if these measures are adopted, it will enable the Congress to throw its full weight into the efforts for the effective organisation of the defence of the country.<sup>4</sup>

This resolution was open to more than one interpretation. As to the declaration of independence there could be no question. It would have to be prospective: it could have no legal validity until a new system of government had been framed to replace the existing system—and in commenting on the resolution Pandit Nehru took for granted once again that this new system would be framed by his Constituent Assembly—and until the requisite Act of Parliament had been passed. The doubt lay in the meaning

<sup>1</sup> *Indian Annual Register*, 1940, ii, 175.

<sup>2</sup> *Harijan*, July 6, 1940.

<sup>3</sup> *Ibid.*, ii, 198-5.

<sup>4</sup> *Indian Annual Register*, 1940, ii, 176-7.

of 'National Government'; words which were soon to become the slogan of all Indian nationalists, but which were never given a precise interpretation by the Congress leaders till the spring of 1942. All that was said about the National Government at this first mention of it was that it would command the confidence of all parties in the legislature. Did that mean only that it would be a national coalition like the National Government in Britain? Or did it also mean that the Government would be responsible to the legislature? The latter would indeed be 'an immediate step towards giving effect' to the declaration of independence. A National Government in that sense would mean a change in national status: it would subject the government of India to the same kind of parliamentary control as the government of Canada. There was a doubt, finally, as to the interpretation of 'defence'. Maulana Azad, the Congress President, and Mr. Rajagopalachari both declared that the resolution implied the full participation of the Congress in the war if its terms were granted.<sup>1</sup> But to Pandit Nehru 'defence' apparently meant less than that. 'We have made it perfectly clear in the past', he said, 'that we cannot help the war-effort of British imperialism or become its recruiting sergeants. That position continues completely unchanged, but to maintain our own independence, for our defence and the defence of freedom, we are prepared under our own direction to do our best.'<sup>2</sup>

However it might be interpreted, the resolution was wholly unacceptable to the Moslem League. Like the Congress, the League at this time was not wholly of one mind. Its more moderate leaders were clearly anxious to back the war-effort at this crisis without further controversy about domestic politics. The Premier of the Punjab was the most prominent member of this group. When the Low Countries were invaded, he appealed to the leaders of all communities to call a truce till the danger from without was averted.<sup>3</sup> On May 24, in a lengthy public statement, he expressed the hope that what Mr. Amery had said on the previous day would finally dispel distrust of the British Government's good faith in promising full Dominion Status and suggested the summoning of a small representative body, including the present and past Premiers of all the Provinces, to discuss the outlines of the future constitution.<sup>4</sup> On June 20 he issued another appeal, deploring the lack of realism among the party leaders and warning them that, if they did not settle their differences, they might well sink themselves and their country too.<sup>5</sup> But these appeals were not backed by Mr. Jinnah. He was less concerned, it seemed, with the present situation in India and the effect on it of the tragic events in Europe than with the position of the Moslem community in the future. He had recently proclaimed the two-nation doctrine and adopted its logical complement, Pakistan.<sup>6</sup> For the League to share in any all-India Government was to reverse this line of policy, at

<sup>1</sup> *Hindustan Times*, July 18, 1940.

<sup>2</sup> *Ibid.*, May 12, 1940.

<sup>3</sup> *Ibid.*, June 20, 1940.

<sup>4</sup> *Ibid.*, July 10, 1940.

<sup>5</sup> *Ibid.*, May 24, 1940.

<sup>6</sup> See p. 206 above.



any rate for the time being; and it must be remembered that the constitution, as it was operating during the war, was not even the kind of federal constitution which once might have satisfied Mr. Jinnah but would not satisfy him now. The Central executive had resumed some of its old control over the Provinces by the Amending Act of 1939. The Central legislature had been elected on a unitary basis under the old Act of 1919. Mr. Jinnah made it clear that to share in the working of this constitution was to prejudice his claim that the Indian Moslems were a separate nation entitled to equal treatment with the Hindus: it would be setting foot on a road that led to a Congress Raj. And that a Congress Raj was no figment of Moslem imagination was shown, in the course of these anxious days, by Mr. Gandhi himself. It would seem as if the gravity of the crisis had impelled him to speak out all his mind. He was frank in his pacifism, frank in his aversion from co-operation in war government, and equally frank in his exposition of the Congress' totalitarian creed. On June 15 he published an article in *Harijan*, entitled 'Two Parties', in which he repudiated the idea of an inter-party agreement.

Public and private appeals are being made to me to call all parties together and arrive at a common agreement, and then, they say, we shall get what we want from Great Britain. These good friends forget one central fact. The Congress, which professes to speak for India and wants unadulterated Independence, cannot strike a common measure of agreement with those who do not.

The British Government would not ask for a common agreement, if they recognised any one party to be strong enough to take delivery. The Congress, it must be admitted, has not that strength to-day. It has come to its present position in the face of opposition. If it does not weaken and has enough patience, it will develop sufficient strength to take delivery. It is an illusion created by ourselves that we must come to an agreement with all parties before we can make any progress.

There is only one democratic elected political organisation, i.e. the Congress. All the others are self-appointed or elected on a sectional basis. The Muslim League is an organisation which, like the Congress, is popularly elected. But it is frankly communal and wants to divide India into two parts.

Thus for the present purpose there are only two parties—the Congress and those who side with the Congress, and the parties who do not. Between the two there is no meeting ground without the one or the other surrendering its purpose. . . . An agreement independently of evolving a common demand the Congress must seek and has always sought. . . . It has to woo all parties, disarm suspicion and create trust in its *bona fides*.

This candid declaration of totalitarianism, this anticipation of the Congress alone 'taking delivery' from the British Government, was an open challenge to the League, and Mr. Jinnah promptly took it up. He met the logic of democracy with the logic of nationalism. As a community among other communities Indian Moslems numbered less than one quarter of the population; but as one of two nations they were entitled to equal treatment. So, in his conversations with the Viceroy, Mr. Jinnah laid

down two conditions for the League's participation in government. First, the British Government must give a categorical assurance that it would adopt no constitution, whether for the war period only or in a final form; 'without the previous approval of Muslim India'. Secondly, in any re-organisation for the purpose of mobilising India's maximum war-effort, 'Muslim India leadership must have an equal share in the authority and control of the Governments, Central and Provincial'. If the Executive Council is enlarged, the number of Moslem members must be equal to that of the Hindu members if the Congress comes in. If it does not, the Moslems must be in a majority. The same calculations would apply to an advisory war council of any kind.<sup>1</sup> In other words the two-nation principle was to be fully applied in terms of constitutional arithmetic.

While Mr. Gandhi's authority with the Congress seemed at this time to be weakening, Mr. Jinnah's authority with the League was certainly growing. The wishes of his more moderate colleagues to join in the war-effort at the Centre without bargaining were overborne. The Working Committee, meeting on June 15 and 16, endorsed Mr. Jinnah's policy and invited him to proceed with his negotiations with the Viceroy. No other member of the Committee should negotiate with Congress leaders without Mr. Jinnah's permission.<sup>2</sup> Nor should Moslems serve on war committees pending further instructions from Mr. Jinnah.<sup>3</sup> Dictatorship, it was now evident, was no longer to be found in Congress quarters only.

All attempts to reach a measure of preliminary agreement had thus completely failed when on August 8—on the eve of the Battle of Britain—the new declaration of British policy, afterwards known as the 'August Offer', was published. It took the form of a statement made by the Viceroy on behalf of the British Government. It may be summarised as follows.<sup>4</sup>

(1) Though the differences which prevented national unity remained unbridged, the expansion of the Governor-General's Council and the establishment of an advisory war council should no longer be postponed.

(2) In view of the doubts as to whether the position of minorities would be sufficiently safeguarded in any future constitutional change, the British Government re-affirmed its desire that full weight should be given to minority opinion. 'It goes without saying that they could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.'

(3) Subject to the fulfilment of their obligations—an allusion to such questions as defence, minority rights, the treaties with the States, and

<sup>1</sup> Correspondence between the Viceroy and Mr. Jinnah between February 6 and September 26, 1940: *Indian Annual Register*, 1940, ii, 248-57.

<sup>2</sup> This was directly aimed at Sir Sikander Hyat Khan who had been informally discussing the possibilities of a communal agreement with Maulana Azad.

<sup>3</sup> *Indian Annual Register*, 1940, i, 316-18.

<sup>4</sup> The full text is given in Appendix VII, p. 383 below.

the position of the Secretary of State's Services—the British Government concurred in the Indian desire that the framing of the new constitution should be 'primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of Indian life'.

(4) Constitutional issues could not be decided at 'a moment when the Commonwealth is engaged in a struggle for existence'; but after the war a representative Indian body should be set up to frame the new constitution, and meantime the British Government would welcome and assist any efforts to reach agreement as to the form and operation of this constitution-making body and as to the principles of the constitution itself.

(5) In the interval the British Government hoped that all parties and communities would co-operate in India's war-effort, and by thus working together pave the way for India's attainment of free and equal partnership in the British Commonwealth.

Four main points stand out from this statement. In the first place it finally disposed of the idea, so often ventilated by Moslems and members of other minorities, that the British Government might be induced by Congress pressure to acquiesce in the imposition of a Congress Raj. The charge that to require intercommunal agreement was to put a veto on constitutional advance was repudiated by Mr. Amery when he explained the statement in the House of Commons on August 14. 'Agreement means not veto by any element, but compromise; and willingness to compromise, in India as elsewhere, is an essential test of that sense of responsibility on which free government must be based.' Secondly, the statement registered an advance of first-rate importance in the method of handling the constitutional problem. No official reference had hitherto been made to the Congress claim that the future constitution of India was a purely Indian concern. It had been taken for granted in Britain that the sole responsibility for constitutional change lay, in fact as in law, with Parliament. To make the last great change in 1935 Parliament had expended a vast amount of time and labour. Indian opinion had been more freely and directly consulted than ever before, but it was Parliament's will that had prevailed. Now Indians were not merely to share in that responsibility: they were to be 'primarily responsible'. It followed from this undertaking that, if Indians were agreed as to the kind of constitution they wanted and if it provided for the due discharge of British obligations, it would be virtually impossible for Parliament to reject it. In other words Indians were now invited to determine their own constitutional future in much the same way as Canadians determined it in 1864 to 1867, Australians in 1891 to 1900, and South Africans in 1908 to 1909. Thirdly, while the formal and final framing of the constitution was postponed till after the war, preliminary discussion was encouraged forthwith. The Congress method of constitution-making by a directly elected Constituent Assembly was naturally not

<sup>1</sup> *Hansard, H. of C.*, cccxiv, 878.

mentioned since it had been repudiated by almost all the minorities. What the method should be was one of the questions to be discussed. Lastly, Dominion Status was still assumed to be the goal. In his explanatory speech Mr. Amery pointed out that that was not an inferior or dependent status. 'The status of a Dominion—or of this country for that matter, for our status in the Commonwealth, although not perhaps our stature, is the same as theirs—is one not inferior to that of nations that perforce stand alone, but superior. . . . There is no higher status in the world.'<sup>1</sup>

Critics of this 'August Offer' have asserted that it missed the last chance of bringing the Congress into the war. Under stress of the crisis in Europe the majority of the Working Committee had proved their desire to defend their country by throwing Mr. Gandhi overboard. If the British Government had responded more wholeheartedly to this new mood, might they not have brought about a settlement?

No answer can be given to that question without considering the whole course of Congress policy during the war. The British Government could have gone further to meet the Congress claims in August 1940: they did go further in March 1942. But the proposals of 1942 were rejected. The majority of the Congress leaders, as will be seen, demanded a National Government with all the powers of the Government of an independent State except as regards the conduct of military operations, and they demanded this at once without any prior intercommunal agreement. Did they mean less than that in 1940? Would they have been willing to postpone the attainment of independence till after the war and to come to terms in the meantime with the Moslem League? Some of them might have been, but would the majority? Would Mr. Gandhi have accepted defeat or would he have succeeded in reasserting his authority as he did in 1942? As long as these doubts are unresolved, it cannot be affirmed that a settlement in 1940 was feasible.

As it was, the Congress reaction to the 'August Offer' could scarcely have been more violent. On August 10 President Azad refused the Viceroy's invitation to discuss the statement with him since it was 'totally at variance' with Congress policy.<sup>2</sup> 'It widens the gulf', said Mr. Gandhi in a cable to an English newspaper on August 18, 'between India, as represented by the Congress, and England. . . . My own fear is that democracy is being wrecked. . . . India's disease is too deep to yield to any make-believe or half-hearted measures.'<sup>3</sup> The whole conception of Dominion Status for India, said Pandit Nehru,<sup>4</sup> was 'as dead as a doornail'. Meeting on August 18 to 22, the Working Committee followed this lead. The British refusal, said their resolution, to

part with power and responsibility in favour of the elected representatives of the people of India . . . is a direct encouragement and incitement to civil

<sup>1</sup> *Ibid.*, 876.

<sup>2</sup> *News Chronicle*, Aug. 14, 1940.

<sup>3</sup> *Indian Annual Register*, 1940, ii, 201.

<sup>4</sup> *Hindustan Times*, Aug. 12, 1940.

discord and strife. . . . The issue of the minorities has been made into an insuperable barrier to India's progress. . . . The rejection of the Congress proposals is proof of the British Government's determination to continue to hold India by the sword. . . . The desire of the Congress not to embarrass the British Government at a time of peril for them has been misunderstood and despised.

The Congress, it was clearly intimated, would have to take firm action. Its nature would be determined at the meeting of the A.I.C.C. fixed for September 15.<sup>1</sup>

The Moslem League's reception of the 'August Offer' was naturally friendlier. Meeting from August 31 to September 2 the Working Committee welcomed that part of it which the Congress had particularly condemned. It had met, they said, the League's demand 'for a clear assurance to the effect that no future constitution, interim or final, should be adopted by the British Government without their approval and consent'. At the same time the theory of national unity, implicit in the statement and made explicit in Mr. Amery's speech, was repudiated. 'The partition of India is the only solution of the most difficult problem of India's future constitution.' The resolution went on to interpret the statement as conceding the League's principle of Moslem partnership in any war-time constitutional system. The ban on Moslem membership of war committees was accordingly lifted. Sir Sikander Hyat Khan and other moderates had openly declared their desire to go further than that, to accept without bargaining the invitation to full co-operation in the war-effort on the basis of the statement. But once more Mr. Jinnah prevailed. The 'Offer' was neither accepted nor rejected. But the League's full co-operation as a party in the conduct of the war was still made conditional on the Viceroy's acceptance of the 'fifty-fifty' principle.<sup>2</sup>

The Working Committee of the Mahasabha met on August 10 and 11. The President, Mr. Savarkar, was absent through illness, and the decision taken on the 'August Offer' was not published; but it was intimated in the Press that Mr. Savarkar and his Committee were agreed in regarding the new proposals as justifying their co-operation at the Centre for the conduct of the war, that they accepted Dominion Status as the post-war objective, but that they insisted that in safeguarding minority rights the claims of the majority must not be ignored.<sup>3</sup>

On August 25 the Council of the National Liberal Federation asked for a further clarification of the British Government's policy. India's enjoyment of Dominion Status must be quite unqualified and a time-limit for its attainment must be fixed. Nor must it be delayed by a minority's adoption

<sup>1</sup> *Indian Annual Register*, 1940, ii, 196-8. On August 28 Mr. Rajagopalachari made what was called a 'sporting offer' to promote an agreement with the Moslem League. 'If His Majesty's Government agree to a provisional National Government being formed at once, I will undertake to persuade my colleagues to agree to the Moslem League being invited to nominate the Prime Minister and to let him form a Government as he would consider best.' No notice was taken of this offer, presumably because it was not backed by any other Congressman. For a similar unsupported move, see p. 270 below.

<sup>2</sup> *Ibid.*, ii, 248-5.

<sup>3</sup> *Ibid.*, ii, 265.

of a wholly *non possumus* attitude. As to the war constitution the Indian members of the Central Council should be party leaders and should be in a majority.

As a matter of convention such an enlarged Executive Council should work as a Cabinet, the Viceroy should be its constitutional head, and the British Government should not ordinarily interfere with any policy that has the support of such an Executive Council and the Central legislature.<sup>1</sup>

To sum up, it may be said that the 'August Offer' had been accepted in principle by the Mahasabha and the Liberals, and not rejected by the Moslem League. Against that stood its vehement repudiation by the Congress leaders, who commanded, as Mr. Amery had said when he explained the 'Offer' in the House of Commons, 'by far the most efficient political machine in India'. 'Inspired by an ardent national patriotism', he had added, 'they have striven to make that organisation national and all-embracing. If only they had succeeded, if Congress could in fact speak, as it professes to speak, for all the main elements in India's national life, then, however advanced their demands, our problem might have been very different and in many respects far easier than it is to-day'.<sup>2</sup>

## II. SATYAGRAHA

When the A.I.C.C. met on September 15—the Battle of Britain was now joined—it was clear that the Congress leaders, after their brief defection, had resumed their allegiance to Mr. Gandhi. 'Back to Ramgarh' was the note of President Azad's opening speech: the time had come to take the 'next step'. The resolution expressed 'admiration for the bravery and endurance shown by the British nation in the face of danger', and it declared that nothing must be done to embarrass it, provided that the Congress were permitted 'the fullest freedom to pursue its policy' and 'the liberties of the people' were preserved. Mr. Gandhi explained this last point to the Committee.

The Congress claims for itself the freedom to protect civil liberty in this country, but must have the right to state freely what we feel about the war. . . . I claim the liberty of going through the streets of Bombay and saying that I shall have nothing to do with this war, because I do not believe in this war and in the fratricide that is going on in Europe.<sup>3</sup>

In a second short speech at the close of the proceedings Mr. Gandhi again defined the issue. It was not independence, he said. Indeed he seemed to have dropped the demand even for a declaration of it. Britain, he argued very sensibly, cannot make India independent by saying that she is so. 'India can become independent only if she can hold her own when the British go out.' In any case that was not the immediate issue. 'Our

<sup>1</sup> *Ibid.*, ii, 315-16. The last proposal was an adaptation of the Fiscal Convention, for which see Part I, 85-6.

<sup>2</sup> *Hansard*, H. of C., ccclxiv, 872.

<sup>3</sup> *Indian Annual Register*, 1940, ii, 212-17.

demand is for freedom of speech.<sup>1</sup> He proposed to make this demand of the Viceroy. If it was rejected, the 'next step', a campaign of non-violent civil disobedience, *satyagraha*, would become inevitable.

Mr. Gandhi interviewed Lord Linlithgow on September 27 and 30, and letters explaining what transpired were subsequently published.<sup>2</sup> Lord Linlithgow informed Mr. Gandhi of the manner in which pacifists were treated in Britain. 'While the conscientious objector is absolved from the duty of fighting and is allowed even to profess his faith in public, he is not allowed to carry his opposition to the length of endeavouring to persuade others, whether soldiers or munition workers, to abandon their allegiance or to discontinue their effort.' But Mr. Gandhi was not content with a similar procedure in India. Though he would not himself 'preach to workers engaged on war work at the actual works', he and others must be free 'to call upon people throughout the country to refrain from assisting India's war-effort'. This demand Lord Linlithgow rejected. Thereupon the Congress launched its long-contemplated offensive.<sup>3</sup> On October 13—waves of German bombers crossed the Kentish coast that day and some of them reached London—the Working Committee accepted Mr. Gandhi's plan of campaign and promised him 'the fullest co-operation in all that he may require or expect them to do'.<sup>3</sup>

At this time the left wing of the Congress, backed by more revolutionary elements outside the party, wanted the civil disobedience movement to be organised on the largest possible scale in the hope that it might develop into something like a national revolt. But Mr. Gandhi would have none of it. He had insisted at Ramgarh that the campaign must be utterly 'non-violent', and he now declared that the first phase of it would be conducted only by individuals whom he himself would choose as men whom he could completely trust. On October 17, accordingly, Mr. Vinoba Bhave, who had been the first of Mr. Gandhi's disciples to reside at his *ashram*, made an anti-war speech at a village near Wardha. He made similar speeches at other villages on the three following days. On October 21 he was arrested and sentenced to three months' simple imprisonment. Pandit Nehru had been chosen to follow Mr. Bhave; but the Pandit had recently made such vehement speeches against the Government as to give grounds for a charge of sedition. On October 31 he was arrested in the United Provinces and in due course sentenced by a local magistrate on three charges to three terms of sixteen months' imprisonment to run consecutively—a severe sentence.<sup>4</sup> The second *satyagrahi* was a much less well-known person, Mr. Brahmoo Dutt. On November 7, in the neighbourhood of Wardha, he began shouting the slogan now prescribed, 'It is wrong to help the British war-effort with men or money. The only worthy effort is to resist all

<sup>1</sup> *Ibid.*, ii, 220.

<sup>2</sup> *Ibid.*, ii, 227-33.

<sup>3</sup> *Ibid.*, ii, 222.

<sup>4</sup> The supposition that this sentence was imposed by the executive Government is untrue. The magistrate was acting, of course, *proprio motu*.

war with non-violent resistance'. He was arrested at once and sentenced to six months' imprisonment.

On November 17 the second stage of the campaign began with what Mr. Gandhi called 'representative *satyagraha*'. The *satyagrahis* were selected from groups such as the Congress Working Committee, the A.I.C.C., and the Congress members of the Central and Provincial legislatures. Many eminent Congress politicians, including most of the former Ministers, appeared in the streets, uttered the slogan, and were arrested and sent to prison mostly for twelve months. Mr. Rajagopalachari was one of the last to disappear. He performed his *satyagrahā* by writing to various people urging them to desist from the war-effort, and was arrested on December 3. On December 13, President Azad, who had previously told the Press that he had favoured a mass movement but 'had to yield to Gandhiji',<sup>1</sup> made a speech on similar lines to those of Pandit Nehru's speeches: he was sentenced on January 3 to eighteen months' simple imprisonment.

On December 17 Mr. Gandhi ordered a suspension of the campaign from December 23 to January 4. By that date between five and six hundred *satyagrahis* had been convicted. Their arrest, like those of Pandit Nehru and Maulana Azad, had provoked little public excitement: there was only one mass demonstration—at Bankipur in Bihar. This quiescence was partly due, no doubt, to the fact that the Government, under the Defence of India rules, had forbidden the Press to report the progress of the campaign—a step against which Mr. Gandhi protested by stopping the publication of his weekly *Harijan*.<sup>2</sup>

On January 5, 1941, the third stage opened. Lists of *satyagrahis* had been prepared by local Congress committees, and several persons named therein proceeded to do what was expected of them. By the end of the month the number of convictions had risen to about 2,250. In several of these cases fines were imposed instead of imprisonment. Both the extent of the movement and the manner in which it was dealt with varied from Province to Province.<sup>3</sup> It was strongest in the United Provinces, and about half the total arrests were made there. In Bengal the *satyagrahis* attracted little attention and were mostly left at liberty. The North-West Frontier Province was the least affected and only two arrests were made. Dr. Khan Sahib and his colleagues had shown great reluctance at the outset to take part in the campaign, and, when at last he did his duty on December 14, he was picked up by the police and driven home.

<sup>1</sup> *Leader*, Nov. 25, 1940.

<sup>2</sup> Publication was not resumed till January 18, 1942.

<sup>3</sup> The gulf between Mr. Gandhi and some of his professed disciples was strikingly illustrated by the case of Mr. Dev Raj Sethi, a Congress member of the Punjab Legislative Assembly. He was to have offered *satyagraha* on December 11, but was arrested on December 7 for two inflammatory speeches. The following is an extract from the district magistrate's judgment. 'The second speech contains two passages which to the mind of any right-thinking person of whatever party can only be classed as wicked. I refer to the exhortation to the audience to emulate the spirit of the brave German pilots bombing London and to the prayer that this war should be a long one.'



The shouting of slogans continued for a time, but it was greeted by the bystanders with more amusement than sympathy.

The fourth stage of the campaign began in April. Ordinary 'four anna' members of the Congress were now enrolled. The result was a sharp rise in the number of *satyagrahis*. By midsummer over 20,000 had been convicted, but most of these had served their term by then and been released or had only been fined. The number actually in prison at one time reached its peak figure of nearly 14,000 in May. By June 1 it had fallen to about 13,500. In relation to the total membership of the Congress this was a small figure, and some Congressmen had begun to think that the campaign had proved a failure. On April 15, the *Hindu*, one of the leading pro-Congress newspapers in India, asked for the calling-off of *satyagraha*. But Mr. Gandhi was not to be moved from his course. The campaign, he said, on April 20, 'must continue against all odds'. Its magnitude was irrelevant. It was never intended 'to make an appreciable impression on the war-effort'. It was 'a moral protest'.

It is a token of the yearning of a political organisation to achieve the freedom of 350 million people through purely non-violent effort and therefore to affect the future destiny of the world. An ambitious claim, but it is there. . . . Would friends ask me, at this supreme moment in the life of the world and my own life, to deny the faith that has sustained me for nearly half a century?<sup>1</sup>

So the movement dragged on through the 'hot weather'. By October 1 the number of *satyagrahis* in prison had fallen to about 5,600. Few of the released prisoners had courted re-arrest as Mr. Gandhi had expected them to do. Some of the foremost Congress leaders, of whom all save Pandit Nehru and Maulana Azad were now at liberty, were known to desire an end to the campaign, and more appeals were made to Mr. Gandhi. But the veteran pacifist—he celebrated his seventy-second birthday on October 2—held his ground. In a long statement issued on October 30 he declared that *satyagraha* must neither be expanded into a mass movement, as some desired, since mass-action during the war would 'embarrass' the Government and 'at this stage without communal unity is an invitation to civil war'; nor must it be abandoned. It did not matter how few the *satyagrahis* might be: if there were only ten or two, they would represent the whole Congress. He denied that *satyagraha* was a policy of passive inaction. Every Congressman should press on with the 'constructive programme' with which civil disobedience had been coupled from the outset, especially the promotion of communal harmony, the uplift of the Harijans, and the cult of the spinning-wheel. As to his own leadership, 'the bond', he wrote, 'between Congressmen and me seems to be unbreakable'; and he expressed the hope that 'they

<sup>1</sup> *Leader*, April 21, 1941. At Ramgarh Mr. Gandhi had said: 'My mind is wholly concentrated on the scope of his campaign. . . . because it will not only benefit India but the world'. *Register*, 1940, i, 234.

will some day fulfil all my conditions and find themselves in enjoyment of full independence such as has never before been seen on earth'.<sup>1</sup>

### III. THE MINORITY PARTIES

Congress critics of *satyagraha* maintained that so negative a policy left the field open to the 'reactionary' parties. What did they make of their opportunity? The Moslem League, it need hardly be said, had denounced Mr. Gandhi's campaign as an attempt to take advantage of the war to force the Congress programme on the British Government. Sir Sikander Hyat Khan had spoken scathingly of Mr. Gandhi's demand for liberty to preach against the war-effort: 'It amounts to this', he had said: 'that, while Britain is engaged in a life and death struggle, he should be given freedom to stab her in the back. That the stabbing is to be non-violent makes no difference.'<sup>2</sup> But throughout the ensuing barren months Mr. Jinnah's policy—and, as will be seen, his policy was the League's—was scarcely more positive or constructive than Mr. Gandhi's. From time to time, as the winter of 1940-41 drew on, in occasional speeches and communications to the Press, he reiterated the creed of Pakistan and its 'fifty-fifty' implications in any temporary constitutional arrangement for the war period. On December 24, the eve of his sixty-fourth birthday, he issued a statement declaring once again that there is no such thing as an 'Indian nation'. To yield to the demands of the Congress would 'amount to prejudging the consideration of the future constitution of India' and would put Moslem India 'under the heel of a Hindu Raj'. 'Moslem India will resist with all the power it can command.'<sup>3</sup>

In the middle of February 1941 newspapers published a scheme attributed to the Foreign Committee of the League, which had been commissioned to study the various proposals for Pakistan. Two Moslem sovereign States should be created: (1) comprising the existing Provinces of the Punjab (with the Delhi Province added to it), Sind and the North-West Frontier Province, and Baluchistan; (2) comprising Assam and Bengal (excluding the Bankura and Midnapur districts, but annexing the Purnea district from Bihar). The integrity and independence of Hyderabad and other States with Moslem rulers must be recognised. States adjoining the Moslem units in the north-west and north-east might be persuaded to federate with them. The scheme, it was claimed, if fully carried out, would afford protection to over 70 per cent. of all Indian Moslems. For a transitional period a Centre would be required for co-ordinating policy on foreign affairs, defence, communications, customs and safeguards for minorities and for encouraging communal intermigration.<sup>4</sup>

This scheme, which seems to have been mainly inspired by Dr. Latif's ideas,<sup>5</sup> did not receive Mr. Jinnah's *imprimatur*. He denied its authority

<sup>1</sup> *Times of India*, Oct. 31, 1941.

<sup>2</sup> *Statesman*, Dec. 25, 1941.

<sup>3</sup> See p. 201 above.

<sup>4</sup> *Daily Telegraph*, Oct. 3, 1940.

<sup>5</sup> *Statesman*, Feb. 13, 1941.

and was careful to say that it had not been officially adopted by the League;<sup>1</sup> and, when the Working Committee met on February 22, it only re-affirmed the basic principle of Partition as laid down in the Lahore resolution.<sup>2</sup> Nevertheless the publication of the scheme had marked an advance in the Pakistan movement and had thereby embarrassed the more moderate members of the League. They had acquiesced in the Lahore resolution in spite of its apparently unequivocal insistence on Partition. But now that a policy, which at first had seemed unlikely to survive a close examination of its practical difficulties, was not only gaining a firmer hold on Moslem minds but taking concrete shape in a constitutional scheme, they began—rather late in the day—to register dissent. Their spokesman was the Premier of the Punjab, who was, of course, aware that any full-blooded Pakistan plan would be vehemently repudiated in his Province, by his Hindu supporters as well as Congressmen and also by all the Sikhs. On March 11 he propounded in the Assembly his own solution of the constitutional problem, described in Chapter XVII, and pleaded for communal concord in the Punjab as the first step to attaining it in India as a whole. At the end of his speech he denounced the idea of one community 'domineering' over another in any area, 'a Muslim Raj here and a Hindu Raj elsewhere'. 'If that is what Pakistan means, I will have nothing to do with it.'

Let us join hands [he concluded] in order to preserve and maintain peace and harmony within the Province, and unite with the rest of India to face with courage and confidence the danger from without. And let us above all show to the rest of India that we in the Punjab stand united and will not brook any interference from whatever quarter it may be attempted. Then and then only will we be able to tell meddling busybodies from outside, 'Hands off the Punjab!'<sup>3</sup>

Mr. Jinnah's dictatorial authority was as little shaken by this outbreak as Mr. Gandhi's by murmurings in the Congress camp. On March 23, which was celebrated as 'Pakistan Day', he made a speech at Delhi, declaring that Pakistan was neither a counsel of despair nor a counter for political bargaining, but a serious demand.<sup>4</sup> He dominated the proceedings of the League Session at Madras from April 12 to 15, at which the Lahore resolution was written into the League constitution in place of the clause which had defined the League's objective as 'a federation of free democratic states'.<sup>5</sup> Mean-time he firmly maintained his refusal to have anything to do with re-arrangements at the Centre except on a 'fifty-fifty' basis, and when, in the summer, the Executive Council was at last enlarged and the Defence Council created, he gave a striking demonstration of his power to impose his will even on the most eminent members of the party. The eight Moslems who had accepted the Viceroy's invitation to join the Defence Council included

<sup>1</sup> *Statesman*, Feb. 20, 1941.

<sup>2</sup> See p. 206 above.

<sup>3</sup> *Punjab Legislative Assembly Debates*, vol. xvi, no. 8, pp. 359-62.

<sup>4</sup> *Hindustan Times*, March 24, 1941.

<sup>5</sup> *Indian Annual Register*, 1941, i, 295.

the Premiers of the Punjab, Bengal, Assam and Sind. Five, including the three first-named Premiers, were members of the League, and Mr. Jinnah insisted that they must resign. They did so, with the exception of the Nawab of Chhatari (who had already resigned on his appointment as President of the Hyderabad Executive Council) and Begum Shah Nawaz, daughter of Sir Muhammad Shafi, the Moslem leader of pre-war days, and one of the two women in the Punjab Legislative Assembly. She was at once expelled from the League for five years. Similar treatment was meted out to Sir Sultan Ahmed who had succeeded Sir Zafrullah Khan as Law Member of the Executive Council. He was ordered to resign and on refusal sentenced to five years' expulsion. These proceedings were confirmed by the Working Committee and the Council meeting at Delhi on October 26 and 27, when it was also decided that, as a protest against the Government's policy of ignoring the League and its demands, the League members of the Central legislature should withdraw from its November session.<sup>1</sup>

Thus the League under Mr. Jinnah's control seemed to be following the same bare track of non-co-operation as the Congress under Mr. Gandhi's. But, though in each case the leader's power to impose his policy seemed unshakable, there was more open dissatisfaction with it in one camp than in the other. 'General' Gandhi had no such public quarrels with his senior officers as Mr. Jinnah had with the Premiers of the Punjab and Bengal. And there was this important difference between the two parties. Members of the League, though debarred from the Central Government, were governing in three Provinces, fully committed to the war, and were freely serving as individuals on local bodies and committees associated with its prosecution. But no Congressman held any office or took any share in the war-effort.

There was no change in the attitude of the other chief parties during this period. The Mahasabha staunchly maintained its militant and communal character. It denounced the *satyagraha* campaign as sterile, unmanly, and injurious to the Hindu cause, and declared its willingness to co-operate in the war-effort. But for that, of course, it laid down conditions—conditions that seemed again to suggest that the war it had in mind was not so much the present war against the Axis Powers as a prospective war against the Moslems. Meeting on September 21 to 23, the Working Committee passed a resolution which began as follows.

Resolved that in view of the opportunity that the present war offers for the general militarisation of the Hindus and for the organisation of the system of India on sound and up-to-date modern lines so that India be converted into a self-contained defence unit, the Hindu Mahasabha is prepared wholeheartedly to work out the schemes of the expansion of the Viceroy's Executive Council and the War Advisory Council, but on honourable terms of equity and justice.

The terms were (1) that the Government must declare that it has not approved or accepted any proposals for Partition, and (2) that, if two seats

<sup>1</sup> *Ibid.*, 1941, i, 298.

on the Executive Council were allotted to the Moslem League, six must be allotted to the Mahasabha, one of which would be given to the Sikhs and one to the Depressed Classes, and similarly that, if the League had five seats on the Advisory Council, the Mahasabha must have fifteen. 'The Committee', it was added, 'considers that the demand of the Muslim League for 50 per cent. representation on the proposed Executive Council and elsewhere is undemocratic, unconstitutional, unreasonable and preposterous', and the Viceroy was asked to pledge himself that it would never be accepted. Two other constitutional points were made. A time-limit not exceeding one year after the war must be set to the attainment of full Dominion Status, and the *interim* plan for the two Councils at the Centre would succeed, it was asserted, 'only if a convention grows that the Viceroy will act as the constitutional head of the administration and all real power and responsibility is granted to those bodies'.<sup>1</sup>

At the annual Session at Madura on December 28 to 30, attended by some 2,000 delegates, Mr. Savarkar expounded this policy in his presidential address, and a resolution on the same lines as the Working Committee's was carried with only three or four dissentient votes. But there was a new conclusion to it. 'In case the Government fails to make a satisfactory response to the demands embodied in this resolution before the 31st of March 1941, the Mahasabha will start a movement of direct action.'<sup>2</sup> Mr. Savarkar was believed to have opposed this sudden change from a co-operative to a minatory attitude, and more moderate counsels soon prevailed. The threat was not repeated by the Working Committee at its meetings in January and March 1941, and, when it met again on June 14-15, while it declared the British Government's response to the Mahasabha's demand to be 'evasive, unsatisfactory and disappointing', it resolved 'that the question of launching the campaign of direct action on an all-India issue and scale be postponed for the present'.<sup>3</sup>

Those members of the Mahasabha who felt that Hindu opposition to the Government should not be monopolised by the Congress were doubtless disappointed at this retreat, but a few months later they got their chance of a militant demonstration. It was proposed to hold the Session of 1941 on December 24 to 27 at Bhagalpur in Bihar. But the Governor of Bihar, a 'Section 98 Province', asked that the arrangement might be altered because the date would coincide with that of the Baqr'Id festival and Bhagalpur was notoriously liable to outbreaks of communal strife. The Mahasabha refused to make this concession, as they regarded it, to Moslem sentiment, and the Session was banned. After some fruitless negotiations, it was decided to ignore the ban. Some 1,200 'volunteers', mostly from Bombay and Bengal, made their way to or towards Bhagalpur. Among them was Dr. Syama Prasad Mookerjee, Vice-President of the Mahasabha. Though he had recently become Finance Minister in Mr. Fazl-ul-Huq's coalition

<sup>1</sup> *Indian Annual Register*, 1940, ii, 286-8.

<sup>2</sup> *Ibid.*, 1941, i, 288-4.

<sup>3</sup> *Ibid.*, ii, 270-6.

Government in Bengal,<sup>1</sup> he had published an appeal to his fellow Hindus to defy the Government of Bihar. He was detained before reaching Bhagalpur and persuaded to return to Calcutta. About 560 of the demonstrators were arrested. All of them were released when the period of the ban expired on January 5, 1942. The significance of the incident was its exhibition of the length to which a communal body was prepared to go in assertion of its claims.

Of the major parties there remain the Liberals—a major party in the sense that it contains some of the wisest and most experienced Hindu politicians in the country, but not in the sense that it commands the support of any substantial fraction of the electorate. In November 1940 its most distinguished member, Sir Tej Bahadur Sapru, issued a public statement<sup>2</sup> calling for a meeting between Mr. Gandhi and Mr. Jinnah, and laying down the principles of the policy which was adopted by the National Liberal Federation at its twenty-second Session at Calcutta on December 28-30. The more important resolutions may be summarised as follows. (1) India should wholeheartedly support the war-effort for the sake of democracy and India's freedom. 'If England went down', said Sir Chimanlal Setalvad, 'India would lose even the present measure of liberty she enjoys.' But sufficient enthusiasm for the war among the people could be awakened only by a change in the Government's policy. (2) The British Government should at once declare that India would be accorded full Dominion Status within two years after the war. (3) For present purposes the Central Government should be so reconstructed as to have by convention a fully national character. 'The Viceroy should be its constitutional head, and the British Government should not ordinarily interfere with any policy that has the support of such an Executive and the Central Legislature.' The departments of Defence and Finance should be entrusted to non-official Indians. (4) The division of India into Pakistan and Hindustan must be ruled out. India must retain its unity on a federal basis. Unqualified democracy should be attained by the gradual elimination of communal electorates. (5) The Congress civil disobedience campaign was to be deplored, 'as it will still further complicate the difficult situation in the country'. It is bound, argued Dr. Paranjpye, to 'embarrass' the British Government and to a certain extent to encourage Fascism and Nazism.<sup>3</sup>

The next Liberal move was to organise a Non-Party Conference. It met at Bombay on March 14, 1941. It consisted mainly of Hindu Liberals, but there were also a few Sikhs and three or four Moslems, the latter of no great political standing. A striking feature was the attendance of the three leading members of the Mahasabha, Mr. Savarkar, Dr. Moonje and Dr. Syama Prasad Mookerjee. Sir Tej Bahadur Sapru presided. The resolution, which was moved by Sir N. N. Sircar and carried unanimously, was on much the same lines as the Calcutta resolution of the Federation. 'While

<sup>1</sup> See p. 80 above.

<sup>2</sup> *Indian Annual Register*, 1941, ii, 397-404.

<sup>3</sup> *Ibid.*, 1941, ii, 309-15.

India should not take advantage of Britain's difficulties in her heroic struggle', the existing political deadlock should be overcome by the immediate reconstruction of the Central Government. The whole of the Executive Council should consist of 'non-official Indians drawn from important elements in the public life of the country'.

The Conference would be content during the period of the war that the reconstructed Centre remain responsible to the Crown; and, so far as defence is concerned, the position of the Commander-in-Chief as the executive head of the defence forces of the country should not be in any way prejudiced. At the same time the Conference is strongly of the view that the reconstructed Government should not merely be a collection of departmental heads, but should deal with all important matters of policy on a basis of joint and collective responsibility. In regard to all inter-imperial and international matters, the reconstructed Government should be treated on the same footing as the Dominion Governments.<sup>1</sup>

Only two speakers questioned whether the conversion of the Council into a body of non-party Indian politicians—mostly Liberals, it might be presumed—would really overcome the deadlock. Sir Chimanlal Setalvad pointed out that the new Members of Council, however eminent and patriotic, would have no effective backing in the legislature or in the country and would be unable to carry their legislative measures if the Congress and the Moslem League were to combine against them. Sir Cowasji Jehangir argued that the only way to create a real mass war-effort was to establish Congress-League coalition Governments, and advised the Conference to appeal to the Congress and the League.<sup>2</sup> When the same point was made by Mr. Amery in his speech in the House of Commons on April 22—'the resolution seems to me to have been directed to the wrong address'—the standing committee, which had been set up by the Conference, replied that it was 'intolerable that the progress of the country should be held up by His Majesty's Government merely because the two contending parties would not or could not compose their differences'.<sup>3</sup>

The Council of the National Liberal Federation, meeting at Poona on June 29, repeated the proposals made at Calcutta and Bombay. 'The Government have failed', it said, 'to create the psychological atmosphere necessary for mobilising to the maximum pitch the resources of India in men and material.' It deplored Mr. Amery's refusal to advance without the prior agreement of the Moslem League: no reference was made to the Congress. The Council's only contribution to the communal controversy was its 'unqualified condemnation of the scheme of partitioning India which is known as Pakistan' and its appeal to all Indians to resist it to the utmost.<sup>4</sup>

A second Non-Party Conference was held at Poona on July 26 and 27. Over 60 persons were present, but only 16 of them had attended the previous

<sup>1</sup> *Ibid.*, 1941, i, 807-8.

<sup>2</sup> *Ibid.*, 1941, i, 810.

<sup>3</sup> *Ibid.*, 1941, i, 828. Sir Tej Bahadur Sapru issued a personal statement on the same lines: *Ibid.*, 831-2.

<sup>4</sup> *Ibid.*, 1941, i, 838.

Conference. Of the two Moslems, one was Sir Mirza Ismail, ex-Diwan of Mysore, who had taken a prominent part in the discussions leading up to the Act of 1935. The enlargement of the Central Executive Council had recently been announced, and the tone of the speeches and resolutions was less critical and more co-operative than at the previous Conference. The change at the Centre, it was declared, showed that the British Government had abandoned its case that no advance could be made without an agreement between the major parties. Though the retention in British hands of 'key portfolios like Defence and Finance' showed that Indians were still distrusted, and though only a complete Indianisation of the Executive Council could arouse the requisite popular enthusiasm for the war-effort, it was recognised that the Council would now for the first time possess a non-official Indian majority. The demand for a more independent status for India at inter-imperial and international conferences was repeated: her representatives should be appointed and instructed by the Government of India, not the Secretary of State.<sup>1</sup> The communal question was not directly attacked: no mention was now made of Pakistan; but Sir Tej Bahadur Sapru, again presiding, said that the best service the new Councillors could render to their country would be to promote a communal agreement, and the second of the two resolutions authorised Sir Tej to initiate an immediate inquiry into the principles of a future constitution to be framed 'with a view to ensuring and preserving the unity and integrity of the country, to secure its equality of status with Great Britain and the Dominions, and to promote goodwill and harmony among all sections of the people'.<sup>2</sup>

Nothing could have been better calculated to bring all parties face to face with the realities of the political situation than this last proposal. It had been suggested, indeed, in the 'August Offer', and more than once since then, as will be seen, Mr. Amery had renewed the suggestion. But, though the proposal was warmly supported by Sir Mirza Ismail, nothing came of it. During the dreary autumn of 1941 the Liberals made no further move.

Thus, throughout the long period of the Congress revolt, the pattern of Indian politics was not substantially changed. No real or persistent effort was made in any quarter to bridge the gulf between the major parties, and, unless it were bridged, popular government could not be resumed in the Provinces, nor introduced at the Centre. The only change in the pattern, indeed, was towards a greater rigidity. The Moslem League's demand for Partition stiffened.

#### IV. THE BRITISH GOVERNMENT'S POLICY

What efforts were made by the British Government on their side to break the deadlock?

From the autumn of 1940 onwards Mr. Amery continued, both in the House of Commons and outside it, in speeches addressed at least as much to

<sup>1</sup> See Part I, 84.

<sup>2</sup> *Indian Annual Register*, 1941, ii, 260-72.



an Indian as to a British audience, to expound the policy of the 'August Offer'. A full analysis of these speeches<sup>1</sup> cannot be attempted here, but the gist of them was as follows.

(1) The promise to India of full Dominion Status or 'free and equal' partnership in the British Commonwealth' as soon as possible after the war is repeated in almost every speech. The proviso, *viz.*, the fulfilment of British obligations, is explained as covering such matters as defence, minority rights, the treaties with the States, and the position of the Secretary of State's Services. All these matters can be settled either in the new constitution or by treaty agreements between the British and Indian Governments.<sup>2</sup>

(2) The chief obstacle to advance is communal discord. It must be overcome by Indians themselves, and they *can* overcome it if they will adopt the watchword of 'India First'. That watchword might inspire Congressmen to temper their democratic logic and seek a compromise with the Moslems and the Princes: it might inspire Moslems not to push the defence of their communal rights 'to the point of imposing a veto on all political progress except at the cost of a complete breakdown of Indian unity': it might inspire the Princes to make their contribution to the unity of India 'by the sacrifice of some of [their] sovereign powers and by such reforms in the internal constitution of [their] States as will bring [them] more nearly into harmony with the political life of India as a whole'.<sup>3</sup>

(3) The political unity of India, Britain's greatest gift to her, must not be destroyed. 'If some sort of Indian unity had not existed, it would have to be invented.' Without the internal peace and external security which unity alone can ensure, freedom will not grow or last. Partition would not solve the problem of permanent minorities and is open to many other objections. 'It is a counsel of despair, and, I believe, of wholly unnecessary despair.'<sup>4</sup>

(4) Though the major parties are recalcitrant, cannot public-spirited Indians of all communities get together—young idealists, intellectuals, practical men of affairs—and begin the task of thinking out the principles of the future constitution? They might find that the existing difficulties were due in some degree to too faithful an imitation of the British parliamentary system. Other models might suit India better—the American or Swiss constitutions, for example. Such discussions might not only prepare the way for the actual framing of the constitution after the war; they might also bring about a better intercommunal understanding and so help to break the existing deadlock.<sup>5</sup>

In effect these speeches were a challenge to Indians to do what no one else could do for them, but, as has been seen, there was no response. If any Indians approved of the speeches, they did not say so. All the public opinion was hostile and much of it abusive. Naturally enough, perhaps, the

<sup>1</sup> A selection of them is given in *India and Freedom* (London, 1942).

<sup>2</sup> *India and Freedom*, 30-1, 41-2.

<sup>3</sup> *Ibid.*, 33-8.

<sup>4</sup> *Ibid.*, 21, 33-4, 46-7, 87.

<sup>5</sup> *Ibid.*, 18, 31, 37, 46, 71, 78.

Moslem League denounced the appeal for 'India First', and Mr. Amery was formally reprimanded by the Working Committee for 'indulging in such slogans'.<sup>1</sup> Nor did Mr. Amery's opposition to Partition win him any credit from the Congress. A speech he made in the House of Commons on April 22, 1941,<sup>2</sup> provoked an unusually bitter protest from Mr. Gandhi, coupled with an unusually 'realistic' recipe for the solution of the communal problem.

Mr. Amery has insulted Indian intelligence by reiterating *ad nauseam* that Indian political parties have but to agree among themselves and Great Britain will register the will of a united India. . . . It is the British statesmen who are responsible for the divisions in India's ranks, and the divisions will continue so long as the British sword holds India under bondage. I admit that there is unfortunately an unbridgeable gulf between the Congress and the Muslim League. Why do not British statesmen admit that it is after all a domestic quarrel? Let them *withdraw from India*, and I promise that the Congress and the League and all other parties will find it to their interest to come together and devise a home-made solution for the government of India. It may not be scientific; it may not be after any Western pattern; but it will be durable. It may be that, before we come to that happy state of affairs, *we may have to fight amongst ourselves*. But, if we agree not to invite the assistance of any outside Power, the trouble will last perhaps a fortnight. . . .<sup>3</sup>

It was much the same with Mr. Amery's other exhortations. His call for constitutional discussion was ignored. His suggestion of alternatives to the British parliamentary system was interpreted as an insidious attack on democracy, though Mr. Gandhi himself, in the statement just quoted, suggested the possibility of some non-Western form of government.

Nor did Mr. Amery fare much better in other quarters than the Congress and the League. Sir Tej Bahadur Sapru, for example, was one of his severest critics—and this, in view of what Mr. Amery had said in 1935 and of what he was saying now, was somewhat surprising. If he meant what he said about India's future, he was evidently one of the most wholehearted champions of Indian nationalism since Mr. Montagu's day. True, he had explained the obstacles to advance more clearly and more often than any other British statesman—and it was this perhaps that provoked most resentment—but, again if he meant what he said, he believed those obstacles could be overcome. If, as Mr. Gandhi alleged, he was deliberately magnifying them, if he were pursuing 'the traditional policy of Great Britain to prevent parties from uniting', he would surely have been less quick to repudiate Pakistan. But there was no argument about it in the Press or on the platform. Indian nationalists had made up their minds that Mr. Amery's word was not to be trusted.

There might, perhaps, have been less disbelief in the British Government's sincerity if the 'August Offer' had proposed a more striking constitutional advance in the immediate future. If India was really to be trusted with

<sup>1</sup> *Indian Annual Register*, 1941, i, 292.

<sup>2</sup> *India and Freedom*, 78-84.

<sup>3</sup> *Indian Annual Register*, 1941, i, 327. Italics not in the original.

full self-government after the war, surely, it was argued, she could be trusted at once with more than a few extra seats on the Executive Council. That step, moreover, was long delayed. The Viceroy's negotiations with Mr. Jinnah and other leaders dragged on for several months and it was not till July 22, 1941, that the composition of the new Council was announced. Its Indian members, now eight out of thirteen (including the Viceroy and the Commander-in-Chief), were, as has been seen, all able and experienced men, and two of them had once stood high in the ranks of the Congress. But the old belief persisted in nationalist minds that the function of the Council was to register the opinions of the Viceroy and the function of the Viceroy to do what he was told by Whitehall. If the Indian members had been, as it had been hoped they would be, the leaders of the chief political parties, that legend might at last have been exploded. They could have gone to the people as people's men and told them of the power that in fact they exercised.

It was not to be expected that the establishment of the Defence Council at this same time would make much impression on nationalist opinion. It did associate a body of representative Indians with the conduct of the war. It did enable them to acquire a great deal of knowledge about it which they would not otherwise have acquired, and, if they chose, to press their opinions on the Government. But it was a purely advisory body. There was no question here of a transfer of power.

These implementations, therefore, of the 'August Offer' did little to convince the doubters that Britain really intended India to be free, and a few weeks later the distrust was deepened by the unfortunate misunderstanding over the Atlantic Charter. Its third clause committed the British and American Governments to certain principles of policy in these terms.

They respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.

This clause was warmly welcomed by Indian nationalists. The second sentence might not apply to India since in large parts of it British rule had not been established by force; but the first sentence clearly applied; and it meant that the United States was now also pledged to the policy of constitutional self-determination implicit in the 'August Offer'. If the matter had rested there, there might have been no dispute; but on September 9 Mr. Churchill told the House of Commons that the Atlantic Charter, though it was in full accord with British policy in India as embodied in the 'August Offer', was not directly concerned with it.

At the Atlantic meeting we had in mind, primarily, the restoration of the sovereignty, self-government and national life of the states and nations now under the Nazi yoke, and the principles governing any alterations in the territorial boundaries that may have to be made. So that is quite a separate problem from the progressive evolution of self-governing institutions in the regions and peoples which owe allegiance to the British Crown. We have made declarations on these matters which are complete in themselves free from

ambiguity and related to the conditions and circumstances of the territories and peoples affected. They will be found to be entirely in harmony with the high conception of freedom and justice which inspired the Joint Declaration.<sup>1</sup> This explanation only served to inflame the suspicions it was intended to allay. British dishonesty, said Congressmen, had now been nakedly exposed; and the outcry was not confined to them. Sir Tej Bahadur Sapru sarcastically regretted that such masters of the English language as Mr. Churchill and Mr. Amery should be unable to express their desire for India's freedom in unambiguous words.<sup>2</sup> Even the Premier of the Punjab, who had hitherto declared himself satisfied with the promise of Dominion Status after the war, expressed his uneasiness and asked for—and obtained—a clear reaffirmation of the pledge.<sup>3</sup> These protests were significant. Moderate-minded Indians, it is safe to say, did not really believe that the British Government were playing a double game, that they were bribing India to do her utmost to help in winning the war with a promise which they intended to repudiate when the war was won. But did the promise itself mean all it seemed to mean? Indians were to be 'primarily responsible' for the framing of their constitution. Was that quite the same as what the Charter said? And to what extent would the Indians' right 'to choose the form of government under which they will live' be conditioned by the fulfilment of British obligations? Some Indians, at any rate, who had never asked these questions before, began to ask them now.

It would give a distorted picture of India's part in the war to dwell only on the attitude of the political parties—on the long-drawn-out campaign of *satyagraha*, on the intransigency of the League and the militant communalism of the Mahasabha, on the sharpening of antagonism to Britain in some nationalist circles and the deepening distrust in others. It must be remembered once more that, apart from the vast mass of countryfolk whose only concern, war or no war, was to scrape a living from the soil, there was a great body of educated Indians who were taking their full part in the war-effort—the Indian Members of the Executive Council, the majority of those Indians who still attended the Central legislature, the Ministries of the four, and later on the five, non-Congress Provinces and the majorities of their legislatures, a host of Indian civil servants at the Centre and in the Provinces and a multitude of members of various war committees. Regiments of the Indian Army were fighting with all their traditional bravery in Africa and the Middle and Far East, and recruits were streaming in at least as fast as they could be equipped. Indian workers, too, were now producing, besides a

<sup>1</sup> *Hansard*, H. of C., cccxxiv, 68-9.

<sup>2</sup> *Hindustan Times*, Sept. 15, 1941.

<sup>3</sup> *Ibid.*, Oct. 2, 1941; *Leader*, Oct. 8. Questioned about Sir Sikander's statement, in the House of Commons on October 9, Mr. Amery said: 'I can only repeat, in order to remove any possible ground for misunderstanding, that the Prime Minister's statement of September 9 with reference to the Atlantic Charter expressly made it clear that the Government's previous declarations with regard to the goal of India's attainment of free and equal partnership in the British Commonwealth and with regard to our desire to see that goal attained with the least possible delay after the war, under a constitution framed by agreement among Indians themselves, hold good and are in no way qualified' (*Hansard*, H. of C., cccxxiv, 1104). Sir Sikander accepted this explanation (*Times of India*, Nov. 26, 1941).

mass of goods directly or indirectly useful for the war, enough arms and equipment not only for the whole of the Indian Army, except in heavy artillery and tanks, but also for export to the forces on the Nile and in the Middle East. The importance of the rôle of India in the economic strategy of the war had been strikingly illustrated by the gathering at Delhi in October 1940, of the Eastern Group Conference. Delegates from Australia, New Zealand, South Africa, Southern Rhodesia and all the dependent British territories from East Africa eastwards to Hong Kong discussed with officials of the Indian Government and their unofficial business advisers how best to develop and co-ordinate local resources for the common cause; and as the outcome of the Conference a standing Eastern Group Supply Council was established. The Indian States, moreover, had their place in the general war-effort. Princes were enlarging their State forces and sending detachments of them to the battlefields overseas, providing facilities for the development of factories and raw materials, and contributing, like many of their fellow countrymen in British India, to the various war funds. All in all, India was certainly in the war.

Nevertheless India could not be at war in the way that Britain was at war as long as a majority of politically-minded Indians continued to regard the conflict with a divided mind.<sup>1</sup> Of their aversion from Nazism there had never been any doubt. No less certain was their sympathy with China and, especially after Hitler's attack on her, with Russia. Those of them who were not imbued with Mr. Gandhi's pacifism wanted to fight for China and for Russia; but, though they knew, whatever they might say, the difference between Nazism, now exhibiting its grimmest features in the lands it had overrun, and British 'imperialism', they did not want to fight for Britain, still less under British control. Thus, as the autumn of 1941 drew on, there grew in them, especially perhaps among the younger generation, a sense of irritation and frustration. The whole world, they saw, had reached a supreme crisis in its history. The issue of the present conflict would determine its fate for centuries to come. All India's memories of her ancient past, all the idealism in her present life, demanded that she should play her part with all her strength. If India was a nation, now, they felt, was the time to prove her nationhood. But that, they were told, was impossible because, as some said, India was not free or because, as others said, India was not one nation but two. So the sense of frustration and resentment was unrelieved, the deadlock unresolved, when the Japanese attack on Pearl Harbour in December gave a new and ominous turn to the war.

<sup>1</sup> The difference in 'atmosphere' between India and Britain is illustrated by the public expressions of grief when Mr. Subhas Bose (who was in Berlin) was falsely reported to have been killed in the crash of a Japanese aeroplane. When the mistake was corrected, Mr. Gandhi and Maulana Azad, in a joint address to Mr. Bose's mother, 'We congratulate you and nation' (*Hindustan Times*, 31, 1942). Another illustration is the tribute to Japanese culture inserted in the address to Benares University on the Indian language question on January 21, 1942. After criticising the teachers and students 'for choosing English as the medium of the expression of their thoughts . . . he held up the instance of Japan which had become a challenge to the West not by slavishly following everything Western but by learning the best of the West through their own language. He expressed satisfaction at the progress made by Japan.' *Leader*, Jan. 23, 1942.

## CHAPTER XXI

### THE CRIPPS MISSION

#### I. REACTION TO THE JAPANESE ADVANCE

SINCE the Battle of Britain the idea that India might be invaded had fallen into the background. Though the fortunes of the war in Libya oscillated, the Nile Valley and Suez now seemed reasonably safe; and there seemed no immediate danger of a German break-through by way of the Caucasus or Turkey and so overland to India's frontier. But the growing confidence that in this war as in the last no battles would be fought on Indian soil was destroyed by the spectacular Japanese advance in the winter of 1941-42. It was clear that India's safeguard in the last war, the British command of the sea, was lost, at any rate for the time being. After the fall of Singapore on February 15, the Bay of Bengal lay open. When Rangoon fell on March 7, it seemed as if the tide of Japanese conquest, which had flowed so swiftly and irresistibly over Malaya and then Burma—only yesterday a Province of the Indian Empire—would soon be sweeping into Bengal and Madras. All down that long flat eastern coast Indians were faced with a similar prospect to that which had faced Englishmen in 1940. Refugees poured out of Calcutta. If there was less immediate alarm in Delhi or Bombay, it seemed nevertheless quite possible that Japanese armies might be able to penetrate as deeply and quickly into India as they had into Malaya and Burma. Only in the north-west was the sense of security unshaken. 'We will not yield an acre of our land', said the Pathans, 'to the Japanese idolaters.'

Meantime Tokyo was attacking by radio. India was daily told that the Japanese, linked with her by their Buddhist faith, were only coming to deliver her from British tyranny. Let her rise in revolt then, and so secure her place in the free and prosperous 'new order' of the East. Indians listened—they had listened to Axis broadcasts since the war began—but they were not convinced. The Japanese Government, no doubt, had bought the services of sundry secret agents, and revolutionaries of the extreme Left, especially in Bengal, were still ready to take their orders from Mr. Subhas Bose, even if they came by radio from Berlin. But, as far as was known, there was no large or highly organised 'fifth column'. Nevertheless the divided mind persisted. If educated Indians as a whole were not pro-Japanese, the imminence of the threat to India did not make them any more pro-British. Only those Indians who had shared from the outset in the war effort and had never agreed with Congressmen's wholesale condemnation of the British record in India felt themselves drawn closer to their British colleagues and comrades in arms. In other quarters anti-British feeling was not softened, it was hardened by the new danger. Japan, it was argued, would not have attacked India if she had not been part of the British Empire;

and, if India had been free to choose, she might, like Eire, have been neutral. The one plea, moreover, on behalf of British rule in India which had hitherto been incontestable, the security it gave her from invasion, now seemed invalid. The British Empire, said the defeatists, was collapsing and would drag India down with it. 'Let us do nothing', some of them added, 'to antagonise Japan.'<sup>1</sup>

While such a mood prevailed, it was not, perhaps, to be expected that the special danger to India in 1941-42 would have more effect as a solvent of the political deadlock than the danger to the common cause of freedom in 1940. Soon after Pearl Harbour the Viceroy made a public appeal for a united national front, and optimists may have hoped that in face of so great and immediate a menace the conflicting Indian parties would come to terms, both with themselves and with the Government, in order to do all that could be done to save the country. But that did not happen. The reaction in 1942 was much the same as the reaction in 1940. The chief difference was the greater bitterness which the long period of friction and frustration had engendered.

On the eve of Pearl Harbour, as it happened, the Central Government had made a conciliatory gesture. The *satyagraha* campaign had now practically petered out, and on December 8 all the imprisoned *satyagrahis* and also Pandit Nehru and Maulana Azad were released. Indian Members of the Council were given credit for this decision in the Congress Press, but it was not regarded as justifying any change in Congress policy. Pandit Nehru's message to Mr. Amery from the prison gates was simply 'Get out!'<sup>2</sup> and the vehemence of his public speeches was unabated. The releases, said Mr. Gandhi, made no difference to him. Civil disobedience would continue unless the Working Committee and A.I.C.C. should otherwise decide, and he advised President Azad to convene them.<sup>3</sup> The Working Committee met at Bardoli from December 28 to 30 and again at Wardha on January 13 and 14; the A.I.C.C. met at Wardha on January 15 and 16. Those were the first meetings of those bodies since the meetings in September 1940, which had rejected the 'August Offer' and followed Mr. Gandhi into civil disobedience. But the Congress leaders now went back beyond that September, back to the meetings that had been held during and after the fall of France. Again they were confronted with danger to India, and, though it was now far graver and more immediate, their policy was on the same lines. The familiar indictment of the British Government was repeated. 'British policy was one of deliberate insult to Indian nationalism.' All the Congress proposals for 'an honourable compromise' had been rejected. Even moderate opinion had been flouted. This time, therefore, there was no suggestion of co-operation with the Government on any terms. No help could be given to 'an arrogant imperialism which is indistinguishable

<sup>1</sup> Mr. Rajagopalachari referred to this attitude at the meeting of the A.I.C.C. on January 16. *Hindu*, Jan. 17, 1942.

<sup>2</sup> *Hindu*, Dec. 18, 1941.

<sup>3</sup> *Hindustan Times*, Dec. 8, 1941.

from Fascist authoritarianism'. The Congress must cope with the coming emergency by itself. Instructions were accordingly drawn up for circulation to all Congressmen, bidding them strengthen their local organisations, enrol volunteers, and make closer contact with the people. 'Every village should as far as possible receive the message of the Congress and be prepared to face such difficulties as might arise.' In issuing these instructions the Congress 'high command' were ignoring, of course, the fact that the Provincial Governments and a host of local officials and unofficial war workers were doing their best to prepare the countryside for an emergency. The old idea of a 'parallel government' was being applied again. There was to be no conflict with the lawful authorities: the orders they might give at a crisis should be obeyed 'unless they are contrary to Congress directions': but the Congress, it was clear, even if the Japanese landed in India, were to carry on by themselves, aloof and apart from the 'official' defence of their country and from those of their fellow-countrymen who were willing to co-operate in it.<sup>1</sup>

There was one more point, the most striking point, of similarity between the Congress policy in midwinter 1941 and in midsummer 1940. As on the morrow of the *blitzkrieg*, so now when the Japanese were advancing upon India, the majority of the Congress leaders rebelled against Mr. Gandhi's pacifism. The Working Committee's resolution at Bardoli expressed 'respectful appreciation of Mr. Gandhi's leadership and of the response of the nation to it'; but he was no longer leader. In the course of the discussions he had written to Maulana Azad resigning his leadership of Congress policy.<sup>2</sup> The difference between him and the majority of the Working Committee was clearly explained by Maulana Azad to the A.I.C.C. on January 15. Mahatma Gandhi, he said, would not have India obtain her independence under the shadow of war and at the price of taking her full part in the war-effort. 'I am prepared', the Maulana added, 'to accept the independence of my country at any moment. . . . The only thing is that it should be real independence.'<sup>3</sup>

This revolt against Mr. Gandhi's pacifism was not the only matter of controversy at Bardoli. Mr. Rajagopalachari, whose successful Premiership of Madras had put him in the forefront of the Congress leaders, had been a member of the Working Committee since 1921, and his personal ties with Mr. Gandhi were close: his daughter had married Mr. Gandhi's son against the rules of caste. But, addressing the Convocation of Lucknow University on December 13, he had frankly admitted that he did not see eye to eye with Mr. Gandhi on certain fundamental questions and that this disagreement might lead to 'a parting of the ways'.<sup>4</sup> At Bardoli, however, it was clear that he disagreed not only with Mr. Gandhi's pacifism—in which he was supported by the majority of his colleagues—but also as to his attitude to the question of co-operation on terms with the British war-effort. The

<sup>1</sup> *Hindu*, Dec. 31, 1941.

<sup>2</sup> *Ibid.*, Jan. 16, 1942.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Indian Annual Register*, 1941, ii, 379.



speeches which he and Pandit Nehru made at the meeting of the A.I.C.O. on January 15 betrayed the rift. 'At this late stage', said the Pandit, 'to talk of coming to terms with the British Government is out of the question. . . . Maybe free India might throw her weight on the side of those countries with whom Britain might be in agreement, but that did not mean a settlement with Britain.'<sup>1</sup> Mr. Rajagopalachari, on the other hand, while he repudiated the charge that he wanted to compromise with the British Government at any cost, insisted that the Congress 'must ever be ready for a settlement'. 'Our co-operation is available if the British do the right thing. . . . Even at the last moment we must be ready to take up responsibility.'<sup>2</sup> Here, then, was an unmistakable difference of opinion, and Mr. Gandhi himself made no bones about it. Changes had been made, he told the A.I.C.O., in the draft of the Bardoli resolution, which had been 'written as usual by Pandit Nehru, and these changes 'had opened a tiny window for Rajaji to squeeze in'. 'Jawaharlalji's opposition to participation in the war-effort', he added, 'is almost as strong as mine, though his reasons are different', and then—it was a significant moment to choose—he nominated Pandit Nehru as the man who would take his place in the Congress movement when he was dead.<sup>3</sup>

Thus, if the pacifists had lost, the non-co-operationists had won, and the hopes cherished in some Congress circles that one more effort should be made to come to terms with the British Government were disappointed. If the Japanese invaders came, as now at any time, it seemed, they might come, they would find the defenders of India in two camps. And in more than two camps. If the quarrel between the Congress and the Government was quite unreconciled, so was the quarrel between the Congress and the Moslem League. The League, as an organisation, though not as individuals, was almost as stiffly committed to non-co-operation as the Congress. Though his personal power at the moment seemed declining—two of the three so-called 'League Ministries' fell this winter<sup>4</sup>—Mr. Jinnah was standing his ground as firmly as Mr. Gandhi. Pearl Harbour made no difference to the tenour of the resolutions which he submitted to his Working Committee at Nagpur on December 26 and 27. Ever since the first months of the war, they affirmed, the League had consistently declared its willingness to co-operate in the war-effort with the British Government and with the Congress. The Congress had refused to negotiate unless its own demands were first conceded. The British Government had ignored the offer and had proceeded to enlarge the Executive Council without the League's approval. Guarantees, it was admitted, had been given in the 'August Offer' and repeated since for the protection of minority rights in the framing of the future constitution—guarantees which, so the Committee now assumed, covered the claim to Pakistan—but it was being suggested by some British newspapers and

<sup>1</sup> *Hindu*, Jan. 16, 1942.

<sup>2</sup> *Ibid.*, Jan. 17, 1942.

<sup>3</sup> *Hindu*, Jan. 16, *Harijan*, Jan. 25, 1942; and see p. 98 above.

<sup>4</sup> Assam and Bengal: see pp. 59 and 80 above.

politicians that in view of the Japanese danger a policy of 'appeasement of the Congress' should be adopted.

The Working Committee, therefore, consider it necessary to warn the British public and Government that any departure from the policy and the solemn declaration of August 8, 1940 and the pledges given therein to the Mussulmans would constitute a gross breach of faith with Muslim India, and that any revision of policy or any fresh declaration which adversely affects the demand for Pakistan or proceeds on the basis of a Central Government with India as one single unit and Mussulmans as an all-India minority, shall be strongly resented by the Muslims who will be compelled to resist it with all the forces at their command, which would, at this critical juncture, among other things necessarily result in a serious impediment of the country's war-effort. . . .<sup>1</sup>

This challenge was duly echoed by the Moslem Press. On February 8, the day on which the Japanese secured a foothold on Singapore Island, the official weekly organ of the League, *The Dawn*, filled its first page with a flaming manifesto issued by a Moslem youth study circle. 'Pakistan is our deliverance, defence, destiny. . . . No amount of threats or intimidation will ever deter us from the chosen path. Hints about "a long civil war" we brush aside with contempt. . . . Pakistan is our only demand . . . and, by God, we will have it!' Even those observers who had never underestimated the strength of Moslem opposition to a Hindu Raj were startled by such official propaganda at such a time. The League, it seemed, was more concerned with the future partition of India than with its immediate salvation from Japanese conquest.

The response of the Mahasabha was almost automatic. Its leaders clamoured yet more loudly for the increased enlistment of Hindus in the army, and, while they repudiated the impractical ideology of the Congress, they poured scorn on Pakistan, 'a mere fad and a dream', and on Mr. Jinnah's threats to achieve it at any cost. 'We have faced more serious revolts in the past', said Mr. Savarkar at Lucknow on March 1, six days before Rangoon fell. 'Why hold your threat in abeyance, why not come out with it to-day?' Hindus have an ancient culture and have withstood numerous revolts. They are four times the Muslims numerically and have the same arms and penal codes to defend themselves which Muslims have.' The communal temper of the Mahasabha was evidently rising, and so was the scale of its political demands. The occasion of Mr. Savarkar's speech just quoted was a meeting of his All-India Committee which demanded a proclamation of India's full independence, the abolition of the India Office, the complete Indianisation of the Central Government on a democratic basis (i.e., its communal make-up determined by the numerical strength of the communities), and the transfer of the whole administration of the country to Indian hands. Meantime the Mahasabha, like the Congress, should play its part in the preparations for civil defence, but, unlike the Congress, in co-operation with the official authorities and other political organisations.<sup>2</sup>

<sup>1</sup> *Indian Annual Register*, 1941, ii, 221-2.

<sup>2</sup> *Tribune*, March 4, 1942.

The Liberal reaction to the crisis was naturally more sober. The annual Session of the National Liberal Federation was held at Madras from December 26 to 28, and the third Session of the Non-Party Conference at Delhi on February 22 and 23. No new proposals for a Hindu-Moslem settlement emerged, nor, it appeared, had any progress been made with the consideration of the principles of the future constitution, though that was a matter with which communal concord in the present was inextricably linked. Broadly speaking, Liberal policy was the same as it was before Pearl Harbour—the complete Indianisation of the Council including the appointment of an Indian Defence Minister besides the Commander-in-Chief—but it was now pressed on the British Government with an urgency that betrayed a more realistic and anxious recognition of the gravity of the situation than was to be observed in most other political circles. On January 3 Sir Tej Bahadur Sapru, still the acknowledged spokesman of Liberal opinion, dispatched a lengthy cable to Mr. Churchill, signed by fifteen non-party leaders, insisting that 'the heart of India must be touched to rouse her on a nation-wide scale to the call for service' and urging the acceptance of the Liberal programme—a national all-Indian Government responsible to the Crown, and a higher national status for India in international and inter-imperial relations.<sup>1</sup>

In the course of his presidential address to the Non-Party Conference Sir Tej Bahadur Sapru explained what he meant by a National Government. It was not to be national in the sense that it would be responsible to the Central legislature, first, because normal constitutional practice must give way to the urgencies of war and, secondly, because 'we do not want it to be said that, in the guise of establishing a National Government, we have sought to concentrate all political power in the hands of any particular community or set of politicians'—an intimation, seemingly, that the Liberals did not approve of the Government being mainly composed of members of the Congress and the League. Accordingly, Sir Tej continued, the Government was not to be removable by an adverse vote of the legislature, but would be responsible only to the Crown. 'The Crown,' he went on to say, 'as a beneficent institution unidentified with any political party or section of the community, can be, at a juncture like this, a great uniting force.' This statement was somewhat perplexing, for it seemed to mean that Sir Tej wanted to short-circuit the Secretary of State, whom he subjected later in his speech to somewhat intemperate abuse, and to link the Central Government directly with the King. But Sir Tej is much too good a constitutional lawyer to suppose that the King could play a personal part in Indian politics and appoint or dismiss the members of the Central Government without reference to his Ministers or Parliament. Yet, if that was not Sir Tej's meaning, if the King could act only through the Secretary of State

<sup>1</sup> *Statesman*, Jan. 5, 1942. A further proposal, which soon fell into the background, was the establishment of non-official Executive Councils in the 'Section 93 Provinces'.

<sup>2</sup> *Hindu*, Feb. 22, 1942.

and Parliament, the responsibility of the new National Government would be precisely the same as that of the existing Executive Council.<sup>1</sup>

So much for the reaction of the principal Indian parties to the new danger in the East; and in India, to a greater extent perhaps than in some other countries, public opinion is little more than a complex of party opinions. Party loyalty is strong and party discipline strict; voices crying in the wilderness rarely get a hearing, and only two politicians of the front rank ventured at this critical time to appeal to their countrymen in other terms than those laid down in the various party resolutions.

One of these was Mr. K. M. Munshi, who had proved his capacity as Home Minister in the Congress Government of Bombay and had recently resigned his membership of the Congress because he could not agree with Mr. Gandhi in the application of non-violence to communal disorder. On January 2 and 25 he issued to the Press an appeal for the union of all parties in 'a Government with plenary power at the Centre'. The British Government, he said, should respond to 'the urgent desire which India entertains to fight shoulder to shoulder with Britain'.

British statesmen should not forget that India to-day prefers Britain, a European Power, to Japan, an Asiatic Power, not because of any innate love for Britain but because it sees in British victory alone the possibility of an honoured place for India in an international comity of free nations.<sup>2</sup>

The other lonely voice was Mr. Rajagopalachari's. Though still a Congressman, he had now, it seemed, become almost as independent as Mr. Munshi. Returning from the discussions in the A.I.C.C. at Wardha to his native Province—to the 'front', it might now be said—he set out on a campaign of public speaking. The burden of these striking speeches, the most striking made in India during those anxious months, may be summarised as follows.

(1) The establishment of a National Government 'in charge of everything' at the Centre, in which Congressmen should share, was the only means of stirring the Indian masses to wholehearted resistance to the Japanese. 'The secret weapon that will outwit Japan is the acknowledgement of India's indefeasible right to freedom. . . . Only a free and equal India can co-operate of her free will. Till that vital change is made none of us has the power to make the people of India enthusiastic for a war which is not theirs.' Britain, therefore, must make up her mind to 'part with power' and 'transfer full responsibility' to 'a Council of National leaders'.<sup>3</sup> This was a more positive acceptance of responsibility than anything contained in the Bardoli programme, and the language in which it was framed was wholly free from the

<sup>1</sup> In December 1942 Sir Tej Bahadur Sapru proposed another method of getting rid of the Secretary of State without involving 'beneficent' or 'uniting' action by the King: see p. 228 above.

<sup>2</sup> *Statesman*, Jan. 5; *Hindu*, Jan. 27, 1942.

<sup>3</sup> *Hindu*, Jan. 24, Feb. 2, 11, 12 and 14, 1942.

bitter invective against the British Government which had been so marked a feature of almost every Congress resolution drafted by Pandit Nehru on a major issue. 'Pandit Jawaharlal Nehru', said Mr. Rajagopalachari in one of the speeches, 'may distrust the Britisher more than I do. As a preliminary I shall trust the Britisher more than he does.'<sup>1</sup>

(2) The speeches were vigorous war speeches. Mr. Rajagopalachari told his Madrasis, exposed as they were to the first impact of attack across the Bay of Bengal, that they must be ready to die in defence of their homes, to suffer like the Russians and adopt without flinching the 'scorched earth' policy, to fight a total war, men, women and children. This was far more realistic language than any other Congressman had used.<sup>2</sup>

(3) Mr. Rajagopalachari made an approach to Mr. Jinnah and the Moslem League in terms which must have startled many of his listeners. He referred to 'the principal political organisations over which such illustrious persons as Mahatma Gandhi and Qaid-E-Azam<sup>3</sup> Jinnah presided'. 'These', he went on, 'are not small individuals. One has become almost as famous as the other, and both of them are tremendously popular in the country.'<sup>4</sup> In one more speech he repeated this studied compliment to the League and its leader, but not again.<sup>5</sup> He had doubtless observed—and so, no doubt, had Mr. Jinnah—the silence with which his *démarche* had been treated in Congress circles. It seems likely, indeed, that he was called to order; for the Bardoli policy had pointedly omitted any suggestions of renewed negotiations with the League, and some at least of Mr. Rajagopalachari's colleagues, Pandit Nehru for example, were convinced at this time that Mr. Jinnah's power and with it the power of the League were rapidly declining. No comment is needed on the elevation of Mr. Jinnah to a height only a little lower than Mr. Gandhi's.

(4) Mr. Rajagopalachari, again, no doubt, with the Moslems mainly in his mind, took occasion to reassure the minorities as to the ultimate results of Congress policy.

It is a mistake to imagine that the Congress is asking for Congress rule. . . . What the Congress has repeatedly made plain is that India should be ruled by representatives who periodically obtain the votes of the people. It has never asked for any totalitarian party rule. . . . What it desires is democracy.<sup>6</sup>

This was a flat contradiction of the thesis of Mr. Gandhi's famous article on the 'Two Parties' and his claim that the Congress was to 'take delivery' from the British Raj.<sup>7</sup> Some such declaration was obviously desirable if only from the standpoint of Congress party tactics; but it might have carried more conviction if Mr. Rajagopalachari could have gone one step further and interpreted representative government and democracy as not necessarily

<sup>1</sup> *Hindu*, Jan. 24, 1942.

<sup>2</sup> *Statesman*, Jan. 23, 1942; *Hindu*, Jan. 24, Feb. 14, and other speeches.

<sup>3</sup> Qaid-E-Azam means 'mighty ruler'.

<sup>4</sup> *Hindu*, Jan. 24, 1942.

<sup>5</sup> *Statesman*, Jan. 23, 1942.

<sup>6</sup> *Ibid.*, Feb. 12, 1942.

<sup>7</sup> See p. 242 above.

involving the British parliamentary system or the strict logic of 'majority rule'.

Throughout this period, it will have been observed, none of the Indian parties made any attempt to come together. Mr. Rajagopalachari was almost alone in intimating the need for an agreement between the Congress and the League. Everyone demanded a new move, but practically everyone insisted that it was for the British Government to make it. And it was widely hoped that Sir Tej Bahadur Sapru's cable would precipitate it. Mr. Churchill received this cable during his visit to the United States, and on January 28, soon after his return to London, he stated that he would make a considered and public reply as soon as possible. This seemed to portend something akin to a new declaration of policy, and, as the weeks went by, overshadowed by the steady and apparently irresistible approach of the Japanese towards the Indian frontier, the suspense became acute. It was broken at last when on March 11, four days after the fall of Rangoon, Mr. Churchill announced that the War Cabinet had come to a unanimous decision on Indian policy and that, in order to explain it and 'to satisfy himself upon the spot, by personal consultation, that the conclusions, upon which we all agreed and which we believe represent a just and final solution, will achieve their purpose', Sir Stafford Cripps, who had recently joined the Government as Lord Privy Seal and become a member of the War Cabinet and leader of the House of Commons, would proceed as soon as possible to India.<sup>1</sup>

## II. THE DELHI NEGOTIATIONS<sup>2</sup>

The purpose of the British Government's new policy was defined in the first sentence of Mr. Churchill's announcement. 'The crisis in the affairs of India arising out of the Japanese advance has made Britain wish to rally all the forces of Indian life to guard their land from the menace of the invader.' This did not mean that a much greater war-effort could be expected in the purely military sense. Only a windy rhetorician could talk of raising a vast popular army out of India's countless millions. As many Indians were already volunteering for the Indian Army, week in, week out, as could be armed, equipped and trained within a reasonable time, and the Japanese were now at the gates of India. It was moral reinforcement that the British Government had mainly in mind. A great many Indians besides the members of the forces were fully participating in the war-effort, but a great many were not; and civilian morale would obviously be strengthened if the political deadlock could be broken. A truce between the Government and the nationalists and between Hindus and Moslems would not affect the educated classes only: it would make it easier to rouse the masses to do all

<sup>1</sup> *India (Lord Privy Seal's Mission)*, Cmd. 6850, p. 8. The full text of this statement will be found in Appendix VIII, p. 885 below.

<sup>2</sup> A personal record of the negotiations by the author of this Report is given in *The Cripps Mission* (London, New York, Bombay, 1942).

they could to aid the defending forces and to harry and obstruct the invading enemy. Such a concordat was much to hope for in the situation which has just been described—too much, as it turned out. But few will question that the British Government were right to make their effort to obtain it.

It may help towards a clear understanding of the sequel if the essential factors of the political complex as it stood in this spring of 1942 are briefly recapitulated.

(1) The 'August Offer' had repeated the pledge of full Dominion Status as soon as possible after the war, and had conceded that the responsibility for framing a new constitution should be primarily Indian. For *interim* purposes an advisory Defence Council and the addition of representative Indians to the Central Executive Council were proposed.

(2) The Congress had rejected this offer. It had insisted on an immediate declaration of independence, and by that it meant not Dominion Status but a break-away from the British Crown and Commonwealth. It had also insisted that the new constitution must be framed by a Constituent Assembly on democratic principles. As to the *interim*, the 'high command' was divided. Mr. Gandhi and his pacifist followers, who were now in a minority, refused to share in any violent war-effort: they could not, therefore, co-operate with the Government: *a fortiori* any separate Congress efforts to defend the country must be non-violent. Pandit Nehru was strongly for armed resistance to Japanese invasion and for giving all possible help to China and Russia; but he no less strongly repudiated co-operation with the British Government with whom, he said, no settlement was possible. In his view Mr. Amery's insistence on the fulfilment of British obligations towards the minorities and the Princes—not to mention British financial and commercial interests in India—proved that his promise of India's freedom was insincere. Mr. Rajagopalachari agreed with Pandit Nehru in repudiating pacifism, but he did not rule out a settlement with the British Government provided it transferred real responsibility for the government and defence of India to Indian leaders. No one could state precisely what was the attitude of the rank and file of Congressmen at this time. Many of the younger members were frankly impatient of pacifist doctrine and restive under a policy of barren opposition. But it was safe to say that the party as a whole and its well-organised Press would acquiesce in the decisions of the Working Committee.

(3) The Moslem League insisted as strongly as the Congress on India's independence, but it did not ask for an immediate declaration, nor did it quarrel with Dominion Status as tantamount to full *Swaraj*. But it fiercely opposed the Congress programme for the future. So far from assenting to the framing of a constitution for all India by a Constituent Assembly, it demanded the partition of India into two or more sovereign States. These ideas about the future coloured all its ideas about the present. No *interim* constitutional change must be made which might prejudice the principle of

Pakistan. Thus, if the Central Executive Council was to be enlarged, that principle must be recognised by the assignment to Moslems of half the seats thereon. Mainly because it did not concede those terms the 'August Offer' had been rejected. Granted those terms, the British Government could be assured of the wholehearted co-operation of the League—or, as Mr. Jinnah put it, of Moslem India—in the war-effort. The League did not in fact represent all Indian Moslems, but, owing to the reaction against Congress policy described in Chapter XVII, it could now speak for the majority and it included nearly all the leading politicians. Its discipline was as strict as that of the Congress, and Mr. Jinnah's 'dictatorship' was not effectively disputed; but, if the powerful moderate section of the League were to press for a policy of compromise and conciliation, it would be harder for Mr. Jinnah to resist it than it would be for Mr. Gandhi and Pandit Nehru in combination to resist the policy of Mr. Rajagopalachari.

(4) The attitude of the other parties need not be recapitulated here. They were important but not primary elements in the situation. For, if the Congress and the League came to terms, the other parties would not be strong enough to resist the general pressure for a settlement. They would be obliged, indeed, to join in it if only to protect their own present and future interests.

Such, in sum, was the position. The British Government's new proposals for dealing with it were embodied in a Draft Declaration<sup>1</sup> which Sir Stafford Cripps communicated to the members of the Executive Council soon after his arrival at Delhi on March 23 and to the party leaders whom he began to interview on March 25. On March 29 he published the document at one of the Press Conferences which he held every two or three days. At these Conferences, attended on occasion by as many as 200 journalists, mostly Congressmen, he fully discussed and explained the British proposals: he invited 'heckling', and was asked and frankly answered innumerable questions. These Conferences, it may be said here, were the most striking feature of the whole proceedings for more than one reason. In the first place such direct personal contact between a leading member of the British Government and representatives of the Indian public had never been established before. Secondly, the detailed discussion of the basic problems of Indian politics, hitherto conducted mainly behind closed doors, was now carried on in open daylight. Thirdly, all observers are agreed that Sir Stafford Cripps' sincerity was never doubted. (Some questions and answers from the record of these Conferences will be quoted presently.)

The proposals of the Draft Declaration may be summarised as follows.

(1) In order to achieve 'the earliest possible realisation of self-government in India', the British Government proposes that steps should be taken to create a new Indian Union which will have the full status of a Dominion with the power to secede, if it chooses, from the British Commonwealth.

<sup>1</sup> The text is given, on pp. 336-7 below, in Appendix VIII.



(2) 'Immediately upon the cessation of hostilities',<sup>1</sup> a constitution-making body shall be set up. Unless the leaders of the principal communities shall have previously agreed on some other method, this body shall be elected, under the system of proportional representation, by an electoral college consisting of the members of the lower houses of all the Provincial legislatures for which new elections would have been held. The Indian States will be invited to appoint representatives—the proportion between British Indian and States' representatives to correspond with the proportion between their total populations.

(3) The British Government 'undertake to accept and implement forthwith the constitution so framed' on two conditions. First, any Province or Provinces which are not prepared to accept the new constitution will be entitled to frame by a similar process a constitution of their own, giving them 'the same full status as the Indian Union'. Indian States will be similarly free to adhere to the new constitution or not. In either case a revision of their treaty arrangements will have to be negotiated.

(4) The second condition is the signing of a treaty to be negotiated between the British Government and the constitution-making body to cover all 'matters arising out of the complete transfer of responsibility from British to Indian hands', particularly the protection of racial and religious minorities in accordance with the British Government's past undertakings.

(5) Until the new constitution can be framed, the British Government must retain control of the defence of India 'as part of their world war-effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India in co-operation with the peoples of India'. To that end the British Government 'desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations'.

It will have been observed that the Draft Declaration was an advance on the 'August Offer' in four respects.

(1) It conceded to the projected Indian Union the liberty to secede from the Commonwealth. That a Dominion is in fact free to secede had been confirmed by events in South Africa and Eire at the outbreak of the war,<sup>2</sup> but it had never been formally admitted by the British Government. Sir Stafford Cripps was at pains to drive this admission home at one of his Press Conferences.

Will the Indian Union be entitled to disown its allegiance to the Crown?

Yes. In order that there shall be no possibility of doubt, we have inserted in the last sentence of paragraph (c) (ii) the statement: 'but [the proposed treaty] will not impose any restriction on the power of the Indian Union to decide in the future its relation to the other Member States of the British

<sup>1</sup> Sir Stafford Cripps explained that this phrase was used instead of such phrases as 'end of the war' or 'making of peace' which might imply a longer lapse of time.

<sup>2</sup> See Part I, 42.

Commonwealth'. The Union will be completely free either to remain within or to go without the Commonwealth.

Will the Indian Union have the right to enter into a treaty with any other nation in the world?

Yes.

Can the Union join any contiguous foreign countries?

There is nothing to prevent it.

Thus the distinction so long made by the Congress between Dominion Status and complete *Swaraj* was bereft of any practical importance.

(2) The framing of the new constitution was now to rest not merely primarily, but solely, in Indian hands. Its acceptance was still made subject to the fulfilment of British obligations, but a definite method of securing their fulfilment was now proposed, *vis.*, the negotiation of a treaty with the constitution-making body. Moreover, while it was implicit in the 'August Offer' that a constitution on which Indians were agreed would be accepted by the British Government, this was now definitely stated.

No feature of the Draft Declaration and the Delhi negotiations was more important than the manner in which this question of the 'obligations' was handled. The Congress leaders had repeatedly asserted that the reference to them with which each promise of freedom had been coupled was a proof of its insincerity since the British Government intended to use the intransigence of the Moslems or other minorities and of the Princes, the inability of India to defend herself unaided, and also, though this would not be mentioned, the necessity of safeguarding British financial and commercial interests in India as excuses for perpetuating British rule. Now at each point this charge was shown to be invalid. The non-adherence provisions (of which more will be said in a moment) meant that the freedom of India would not be obstructed by dissent. If it could not become free as a single unit, it would become free in two or more. As to defence, Sir Stafford Cripps was again explicit.

Will Imperial troops be retained in this country?

No Imperial troops will be retained in this country except at the request of or by agreement with the new Indian Union or Unions.

What happens to the Indian Army?

So far as the new India is concerned, they can have the whole of the Army and everything else. . . . As soon as the constitution is settled, everything will be transferred to India.<sup>1</sup>

As to financial and commercial interests, Sir Stafford Cripps declared that the fair treatment of British trade in India would not be made a condition of the transference of power to the Union, nor would British residents in India be classed among 'the racial and religious minorities' to be safeguarded by the proposed treaty. The Union, he told the pressmen, would 'be free to take all measures which are open to a sovereign State to take'. He is understood to have informed those members of the British community

<sup>1</sup> This must be taken to cover the Services at present controlled by the Secretary of State. For them, as for the Indian Army, arrangements would have to be made as to the right of resignation, pensions and so forth.

whom he interviewed that he contemplated a separate commercial treaty to be negotiated on equal and reciprocal terms by the new Indian Government and the British Government. On finance, the old 'grip of the City', there was no need to say anything, since the heavy purchases made by the British Government for war purposes in India had transformed the pre-war financial relationship. Most of the 'sterling debt', *i.e.* the part of India's national debt owed in British currency, had already been wiped out; and by the end of the war Britain would clearly have taken India's place as the debtor nation.<sup>1</sup>

(3) The 'August Offer' had invited Indian leaders to start discussing the principles of the new constitution and the method of framing it. Nothing having come of this, the Draft Declaration proposed a plan for a constitution-making body to be adopted if no Indian plan had been agreed on before the end of hostilities. It was not the Congress plan of a Constituent Assembly directly elected on adult franchise, but a plan of indirect election through the Provincial legislatures, more likely to be acceptable to the minorities. A means, moreover, was provided of saving the constitutional discussion from the same sort of deadlock as that in which the relations between the main Indian parties had so long been involved. The non-adherence provisions of the Draft Declaration startled Indian opinion more than anything else in it; but, as Sir Stafford Cripps pointed out, 'it was a realistic treatment of a problem that might otherwise prove insoluble. 'If you want', he said in one of his broadcasts, 'to persuade a number of people, who are inclined to be antagonistic, to enter the same room, it is unwise to tell them that, once they go in, there is no way out.'<sup>2</sup> That was sound psychology, and of course it did not imply that Sir Stafford Cripps or his colleagues favoured the idea of Pakistan. The British Government had clearly stated its objective as a new Indian Union to form a Dominion under a new constitution for India. No one can read the Draft Declaration without recognising that the non-adherence provisions are intended only as a means of preventing in the last resort a breakdown of the whole scheme for setting India free.

(4) Finally, the Draft Declaration went further than the 'August Offer' as regards the character of the *interim* system of government. The 'Offer' had provided for the inclusion in the Central Executive Council of a 'certain number of representative Indians', the choice of whom, it was evident, would rest with the Viceroy. The Declaration invited 'the leaders of the principal sections of the Indian people' to participate in the counsels of India, the Commonwealth and the United Nations. Clearly the Viceroy could not choose these leaders: they could only be chosen by their own party organisations. Since they were to take part in inter-imperial and inter-Allied co-operation, the Liberals' claim for a more independent status for India in that field was thus conceded.

<sup>1</sup> The total 'sterling debt' of £276 million in April 1937 (*Reserve Bank of India's Report on Currency and Finance for 1941-2*, par. 54) had been reduced by Sept. 1942 to about £78 million. At the end of March 1943, the 'sterling debt' amounted to £18.16 million only.

<sup>2</sup> Broadcast, March 30, 1942; *The Times*, March 31.

In these four ways the British proposals of 1942 were an advance on those of 1940. They were concrete and constructive. They attempted to overcome the apparent inability of the Indian parties to agree by suggesting a practicable method of reaching agreement. Above all, they established beyond any reasonable doubt the sincerity of the British Government's intentions. The Congress had asked for a declaration of Indian independence. In effect that declaration was made when Sir Stafford Cripps explained the proposals at his fourth Press Conference on March 29. And it was not a half-hearted or equivocal declaration: it went straight and all the way. When Sir Stafford Cripps was challenged at another of his Conferences to define simply and clearly the purport of the British proposals, he answered, 'Complete and absolute self-determination and self-government for India'. 'Now that this declaration has been made', asked a pressman, 'is there any difficulty in the way of India participating in the Atlantic Charter?' 'None at all', was the reply.<sup>1</sup>

The declaration of independence was thus wholehearted, but, as the critics were quick to point out, it was only a provisional and prospective declaration—provisional, because, unless Sir Stafford Cripps were able, as Mr. Churchill's announcement put it, 'to procure the necessary measure of assent', the Draft Declaration would not in fact be declared: prospective, because the promised independence could not be attained until the new constitution had been framed. The first point was not so substantial as it might appear. Whatever might happen in the negotiations, the pledge of independence, once given, could scarcely be withdrawn. As will presently appear, the negotiations broke down, but the pledge was re-affirmed. The second point, the necessity of delay, might seem obvious enough. Full independence was clearly impossible until, as the outcome of a constitutional settlement, a new Indian Government had been formed to take over power from the existing Government and the various practical questions arising from the transfer had been settled. But in order to avoid any misunderstanding, Sir Stafford Cripps emphasised the point on several occasions. At his first two Press Conferences he declared that there could be no major, fundamental alteration in the scheme. At his fourth Conference there was the following interchange.

Exactly at what stage does the British Government propose to leave this country?

As soon as the constitution-making body has framed a new constitution to take the place of the old one, the British Government undertakes to accept and implement the new one; and the moment the new constitution comes into operation, the change-over takes place.

Again, in his broadcast on March 30, Sir Stafford said: 'Everyone agrees that in these troublous times we cannot, here and now, set about forging a new constitution.'<sup>2</sup>

<sup>1</sup> The Government of India had already become associated with the Charter by its adherence to the Washington Declaration of the United Nations.

<sup>2</sup> *Ibid.*

The negotiations began on March 25 and ended on April 10. In the course of these seventeen days Sir Stafford Cripps interviewed Mr. Gandhi, who explained that he represented only himself and not the Congress, and the leaders of all the major parties. Sir Stafford's discussions with the Congress 'high command' were carried on mainly through Maulana Azad and Pandit Nehru, but he saw several other members of the Working Committee which was sitting at Delhi throughout the negotiations.<sup>1</sup> Mr. Jinnah came alone for the League, but Sir Sikander Hyat Khan, Mr. Fazl-ul-Huq and other Moslems were also interviewed. The Mahasabha was represented by Mr. Savarkar and four other delegates, the Depressed Classes by Dr. Ambedkar and Rao Bahadur M. C. Rajah, and the Liberals by Sir Tej Bahadur Sapru and Mr. Jayakar. Interviews were also given to representatives of the Sikhs, the Indian Christians, the Anglo-Indian community, the European (British) Association, the Radical Democratic Party, the Justice (non-Brahmin) Party of Madras, and various Labour interests. All these parties and persons were primarily concerned with British India. The Maharajah Jam Sahib of Nawanagar, Chancellor of the Chamber of Princes, came on behalf of the Indian States together with the Maharajahs of Bikaner and Patiala, the Chief Minister of Hyderabad, and ministers of one or two other States.

There was one other body which might almost be described as taking part, mutely and at a distance, in these discussions—the Japanese army. Throughout those anxious days at Delhi the news from the front grew steadily worse. The report of the Japanese occupation of the Andaman Islands—an outpost of British India—was published on the day the negotiations began. The British evacuation of Toungoo was known on April 1, of Prome on April 3. On April 5 came the Japanese air raids on Colombo. Next day the first Japanese bombs fell on Indian soil, at Vizagapatam and Cocanada, seaboard towns of Madras. As the menace of invasion drew steadily nearer, 'Burma is lost', said the defeatists; 'can India hope to hold off these irresistible Japanese?' And even in less faint-hearted circles it was argued that Sir Stafford Cripps' appeal—and in all his public utterances he insisted that the primary purpose of his Mission was to rally the whole country to its defence—had come too late. In this sombre atmosphere, and in view of the previous course of Indian politics, especially Congress politics, it is not so surprising that the Mission failed as that it came so near success.

On the first clause of the British proposals, the declaration of independence, there was practically no discussion.<sup>2</sup> At the time at any rate, as has already been said, its sincerity was not questioned. Even the Congress Working Committee admitted that 'self-determination for the people of India is accepted in principle', but it was only to take effect, they complained,

<sup>1</sup> The Congress Working Committee was composed as follows: Maulana Azad, Dr. Rajendra Prasad, Mr. Vallabhbhai Patel, Pandit Nehru, Mr. Rajagopalachari, Mr. Bhulabhai Desai, Pandit Pant, Mrs. Naidu, Dr. Syed Mahmood, Mr. Asaf Ali, Dr. P. C. Ghosh, Mr. S. Deo, Mr. J. B. Kripalani, Dr. K. M. Munshi, Mr. P. Subramaniam, Mr. P. V. K. Srinivasulu Aiyar, Mr. Sitaramayya.

<sup>2</sup> On the minor clauses of the proposals see *The Cripps Mission*, p. 34.

in the 'uncertain future'.<sup>1</sup> Mr. Gandhi was reported to have described the declaration as 'a post-dated cheque on a bank that was obviously failing'. Moreover, said the Working Committee, though 'future independence may be implicit in the proposals . . . the accompanying provisions and restrictions are such that real freedom may well become an illusion'.<sup>2</sup> Thus almost at once the discussion passed on to the second part of the proposals—the scheme for making the new constitution.

The Congress leaders rejected the scheme for two reasons. First, it ignored 'the ninety millions of people in the Indian States' who were to have no voice in shaping the constitution. The States, indeed, might become 'barriers to the growth of Indian freedom'. Secondly, 'the novel principle of non-accession' was 'a severe blow to the conception of Indian unity'. 'The Committee cannot think in terms of compelling the people of any territorial unit to remain in an Indian Union against their declared and established will', but compulsion must not be used against 'other substantial groups within that area'.<sup>3</sup> This was a clear negation of non-adherence. The Punjab, for example, was not to exercise its right of withdrawal without first joining the Union, and might not exercise it at all against the will of its Hindu and Sikh minorities.

The attitude of the Moslem League to the proposed constitution-making scheme was naturally the converse of the Congress attitude. Mr. Jinnah, indeed, who had so long been proclaiming his anxiety lest the British Government should be induced to acquiesce in the Congress demand for the ruling out of Pakistan from all discussion of the future, can scarcely have expected so bold an acceptance of the principle of Partition.<sup>4</sup> At an early stage of the negotiations it was believed that Mr. Jinnah would accept the proposals provided that the Congress accepted them, but not otherwise. When at the end the Congress rejected them, so did the League, but in very different terms. The Moslems, said the Working Committee's resolution, demand a definite pronouncement in favour of Partition. Though 'Pakistan is recognised by implication' in the Draft Declaration, its primary object is to create one Indian Union, 'the creation of more than one Union being relegated only to the realm of remote possibility'. The right of non-accession, moreover, is vitiated by the maintenance of the existing Provinces with their illogical frontiers. Nor in any case can the Moslems participate in a constitution-making body which is not elected by separate electorates and in which decisions—the Committee assumes—are to be taken by a bare majority.<sup>5</sup>

The Working Committee of the Mahasabha declared itself more or less satisfied with parts of the British scheme. The proposed treaty, for instance, 'ought to completely satisfy the minorities'. But the scheme as a whole was rejected mainly because of the non-adherence provisions. 'India is one and indivisible. . . . The Mahasabha cannot be true to itself and to the

<sup>1</sup> Cmd. 8350, p. 17.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> For Sir Stafford Cripps' concession in the matter of voting-power, see *The Cripps Mission*, p. 86.

<sup>5</sup> Cmd. 8350, pp. 18-19.

best interests of Hindusthan (India)—[a significant identification]—if it is a party to any proposal which involves the political partition of India in any shape or form.' The memorandum submitted by Sir Tej Bahadur Sapru and Mr. Jayakar was less intransigent. 'The creation of more than one Union', they said, 'howsoever consistent in theory with the principle of self-determination, will be disastrous to the lasting interests of the country and its integrity and security.' An effort should, therefore, be made to obtain, before the end of the war, an inter-communal agreement for the maintenance of Indian unity on a federal basis. If that failed, and Provinces should manifest 'overwhelming wishes' for separation, then the proposed experiment might be tried, provided that no decision for non-adherence should be valid without a 65 per cent. majority in the Provincial legislature concerned—a proviso that meant that, unless the Provincial boundaries were readjusted, the Moslem majorities in the Punjab and Bengal would be unable to decide the issue by themselves.<sup>1</sup> The fiercest protest against the non-adherence provisions came from the Sikhs. 'We shall resist by all possible means', they said, 'separation of the Punjab from all-India Union.' If a Province were allowed to secede by a bare majority vote of its people, why should not a minority area have the right 'to form an autonomous unit'?'<sup>2</sup>

The other minorities were not so much concerned with Partition. The firmest stand was taken by the representatives of the Depressed Classes who denounced the scheme for its failure to provide the necessary safeguards for their interests.

The proposals are calculated to do the greatest harm to the Depressed Classes and are sure to place them under an unmitigated system of Hindu rule. Any such result which takes us back to the black days of the ancient past will never be tolerated by us, and we are all determined to resist any such catastrophe befalling our people with all the means at our command.<sup>3</sup>

The representative of the Anglo-Indians expressed a similar anxiety as to the prospects of his community under Indian rule unless it were specially safeguarded for many years to come. The Indian Christians adopted much the same attitude as the Congress, but expressed it in more moderate language. Mr. Joshi, the Labour leader, spoke in similar terms. The only clear acceptance of the British proposals came from Mr. M. N. Roy, whose active but not very powerful Radical Democratic Party had been preaching for some time past that the only thing that mattered was to fight the Axis. The representatives of the British resident community gave their backing to the proposals except on one point. They showed great concern at their exclusion from the communities to be covered by the treaty for the protection of minorities; for this suggested that they were no longer to be recognised as one of the 'statutory' Indian communities and to share their rights, but to be put on a different footing as foreigners from that of the other minorities.<sup>4</sup>

<sup>1</sup> Omd. 6850, pp. 29-30.

<sup>2</sup> *Ibid.*, 28.

<sup>3</sup> *Ibid.*, 22.

<sup>4</sup> See the debate in the House of Lords on July 20, 1942 (*Hansard*, cxxiv, 111-64), and especially Lord Hailey's explanation of the implications of Dominion Status (col. 129-36).

The representatives of the States were not associated with the discussions in the same way as the representatives of British India. The immediate object of the Mission was to make possible the formation of a war-time National Government of British-Indian politicians, and in that the Princes, though interested, were not directly involved. But the scheme for making a new constitution after the war applied to all India, and with that they were deeply concerned. They were ready, said their representatives, to take their part in constitution-making, but only on the understanding that in any constitution their sovereignty and treaty rights would be safeguarded; and some anxiety was expressed at the reference in the Draft Declaration to an inevitable revision of treaty-arrangements. They asked, too, if States which were unwilling to join the proposed Union might constitute a Union of their own.<sup>1</sup> There was nothing, indeed, to show—and in the circumstances it was not, perhaps, to be expected—that the Princes were any less reluctant now than they had been for some years past to contemplate surrendering their rights to the extent required for the establishment of a real all-India system of government.

Thus this last chapter in the story of India's advance towards self-government was in tune with those that had gone before. The nearer India had drawn to freedom, the sharper had become the divisions in her own ranks. Since the extreme peril of invasion had failed to bring the parties together, it was scarcely, perhaps, to be expected that the Cripps Mission would. Nevertheless it seems remarkable that the parties, which, as has been seen, were sharply disagreed about the future of India, should have stated their opinions only to the British envoy and not to one another. No inter-party conference was held to explore the possibilities of an agreed response to the British proposals. Sir Stafford, said Mr. Amery in the House of Commons, 'flew many thousands of miles to meet the Indian leaders in order to arrive at an agreement with them. The Indian leaders in Delhi moved not one step to meet each other.'<sup>2</sup>

Displayed as it was at an early stage of the negotiations, this disagreement on the British scheme for constitution-making in the future might have seemed to negate the possibility of a present settlement. Sir Stafford Cripps had said that the proposals ought to be regarded as a single inter-related plan. But, if the main parties were willing to postpone their controversy about the future, and, having put on record their rejection of the constitutional part of the Draft Declaration, to accept the rest of it and join 'without prejudice' in the immediate war-effort, it would clearly be right to interpret this as 'the necessary measure of assent'. The first purpose of the Mission, after all, was to obtain just such a union of parties for the defence of India: the constitutional scheme was primarily a means to that end. Nor did the opponents of the scheme take the view that their repudiation of it had put a stop to the negotiations as a whole. Mr. Jinnah, for

<sup>1</sup> Cmd. 6850, p. 16.

<sup>2</sup> *Hansard*, April 23, 1942: H. of C., cccxxxix, 910.



instance, was evidently withholding his decision until the Congress leaders had made theirs; and the Congress leaders, though they handed in their resolution rejecting the proposals as early as April 2, refrained from publishing it and were clearly willing to continue the negotiations. So for eight more days the Mission carried on.

Till the very last day the discussions were confined to the final paragraph of the Draft Declaration, the paragraph which dealt with defence and invited the co-operation of the Indian peoples and parties. They started not unfavourably. The Congress leaders seemed prepared to acquiesce in the British Government's control of the defence of India 'as part of their world war-effort' and in the Commander-in-Chief's retention of his seat in the Central Government. On the British side it was suggested that, except the Commander-in-Chief and the Viceroy, all the members of the Central Government should be Indians and that the responsibility for the Defence Department should be divided between the Commander-in-Chief who would now be called 'War Member' and a new Indian 'Defence Member'. This was a highly technical question, and it was not unnatural, with the Japanese already on the frontier, that those sections of the Department which, it was proposed, should remain in General Wavell's charge should be more important than those to be entrusted to the Indian Member. In any case too much could be made of that point. As Sir Stafford explained, in war time the whole Government deals with defence. Finance, communications and transport, civil defence, supply, industry and labour—all those departments were almost as closely concerned with the war-effort as the Defence Department itself, and all of them, it was understood, would be in Indian hands.

On April 3, Maulana Azad and Pandit Nehru had an interview with General Wavell. On that day Colonel Louis Johnson arrived at Delhi as the head of an American Economic Mission and acting in that capacity as President Roosevelt's 'personal representative'; and from April 5 onwards, with Sir Stafford Cripps' assent, he took an informal but active part in the negotiations. A number of formulae were discussed. The last of them was submitted to the Working Committee early on April 8, and for two days it was in almost continuous session. On the first day it was widely reported that the formula had been accepted, and there was no mistaking the general satisfaction, Indian as much as British, that prevailed at Delhi—at any rate outside party doors—at the prospect of a settlement. On April 9 it was known that Mr. Savarkar, while maintaining his opposition to the constitutional scheme, desired the Mahasabha to take its place in the National Government, now seemingly in sight. It was rumoured that Mr. Jinnah had actually nominated the League's representatives on it. But, meantime, the Congress Working Committee had said nothing, and, when Maulana Azad and Pandit Nehru saw Sir Stafford Cripps that evening, they brought the negotiations to an end. Next day (April 10) the Working Committee's final rejection of the British proposals was communi-

cated to Sir Stafford in a letter from Maulana Azad, which, together with the document of April 2, was published on April 11. On April 12 Sir Stafford left Delhi on the first stage of his flight to England.

### III. THE CONGRESS DEMAND

On the eve of the breakdown it had been supposed on the British side that, once an agreement had been reached on defence, there would be no further obstacle to a general settlement. The Draft Declaration, it was hoped, would be accepted in principle, apart from the scheme for constitution-making, and steps could thereupon be taken to form a National Government. But the Congress representatives, while still expressing their dissatisfaction with the proposed division of the Defence Department, had now raised a much wider issue—the character of the National Government as a whole. It must function, they declared, as a Cabinet in the full sense of the word. If that involved a revision of the constitution, well and good.

The Committee do not think that there is any inherent difficulty in the way of constitutional changes during the war. Everything that helps in the war not only can be but must be done with speed. That is the only way to carry on and win a war. No complicated enactments are necessary. A recognition of India's freedom and right to self-determination could easily be made if it was so wished together with certain other consequential but important changes. The rest can be left to future arrangements and adjustments. I might remind you that the British Prime Minister actually proposed a Union of France and England on the eve of the fall of France. No greater or more fundamental change could be imagined and this was suggested at a period of grave crisis and peril. War accelerates change. It does not fit in with static conceptions.

As to the kind of change they wanted the Working Committee was quite explicit. Maulana Azad's letter to Sir Stafford continued as follows.

Unfortunately to our disadvantage you had referred both privately and in the course of public statements to a National Government and a Cabinet consisting of Ministers. These words have a certain significance and we had imagined that the new government would function with full powers as a Cabinet with the Viceroy acting as a constitutional head; but the new picture that you placed before us was really not very different from the old, the difference being one of degree and not of kind. The new government could neither be called, except vaguely and inaccurately, nor could it function as, a National Government. It would just be the Viceroy and his Executive Council with the Viceroy having all his old powers. We did not ask for any legal changes, but we did ask for definite assurances and conventions which would indicate that the new government would function as a free government, the members of which act as members of a Cabinet in a constitutional government. . . . While we cannot accept the proposals you have made, we want to inform you that we are yet prepared to assume responsibility provided a truly National Government is formed. We are prepared to put aside for the present all questions about the future, though as we have indicated we hold definite views about it. But in the present the National Government must be a Cabinet Government with full power, and must not merely be a continuation of the Viceroy's Executive Council.<sup>1</sup>

<sup>1</sup> Azad to Cripps, April 10, 1942: Cmd. 6850, pp. 11-12.

The Congress demand, the Maulana added, 'may be considered to be the unanimous demand of the Indian people'—a statement that did not accord with the facts to be found in the last few chapters of this Report.

Sir Stafford Cripps' answer was as follows.

The real substance of your refusal to take part in a National Government is that the form of government suggested is not such as would enable you to rally the Indian people as you desire. You make two suggestions. First that the constitution might now be changed. In this respect I would point out that you made this suggestion for the first time last night, nearly three weeks after you had received the proposals, and I would further remark that every other representative with whom I have discussed this view has accepted the practical impossibility of any such legislative change in the middle of a war and at such a moment as the present. Second, you suggest 'a truly National Government' be formed which must be 'Cabinet Government with full power'. Without constitutional changes of a most complicated character and on a very large scale this would not be possible as you realise. Were such a system to be introduced by convention under the existing circumstances the nominated cabinet (nominated presumably by the major political organisations), responsible to no one but itself, could not be removed and would in fact constitute an absolute dictatorship of the majority. This suggestion would be rejected by all minorities in India, since it would subject all of them to a permanent and autocratic majority in the cabinet. Nor would it be consistent with the pledges already given by His Majesty's Government to protect the rights of those minorities. In a country such as India where communal divisions are still so deep an irresponsible majority Government of this kind is not possible. Apart from this, however, until such time as the Indian people frame their new constitution, His Majesty's Government must continue to carry out its duties to those large sections of the Indian people to whom it has given its pledges. The proposals of His Majesty's Government went as far as possible, short of a complete change in the Constitution which is generally acknowledged as impracticable in the circumstances of to-day.<sup>1</sup>

Replying to this letter on April 11, Maulana Azad denied that the Working Committee had agreed that 'no constitutional changes could be made during the war', and referred to the picture of a National Government given him at his first interview by Sir Stafford. 'You told me then that there would be a National Government which would function as a Cabinet and that the position of the Viceroy would be analogous to that of the King in England *vis-à-vis* his Cabinet.' The incorporation of the India Office in the Dominions Office had also been suggested.<sup>2</sup> But, of course, 'analogous to' does not mean 'identical with'. It had been generally assumed that, if a National Government were formed, it would function as far as possible as if it were a Cabinet; but, without a major legal change, the Viceroy could not be exactly in the position of the King. He would remain, as the law required, a member of the Government, responsible with its other members to the Secretary of State and Parliament, and he would retain his overruling power. But, apart from legal terms, the analogy would hold good in so far as Government

<sup>1</sup> Cripps to Azad, April 10, 1942: *ibid.*, p. 18.

<sup>2</sup> Azad to Cripps, April 11, 1942: *ibid.*, pp. 14-15.

decisions would normally be those of the majority of the Council. So, it is true, were the decisions of the existing Council; but there would be a substantial difference *de facto* between the new Council and the old. In the first place the new Council would consist, apart from the Viceroy and the Commander-in-Chief, entirely of Indians. Secondly, all those Indians would be party leaders, and chosen, therefore, by their parties and not by the Viceroy. Thirdly, the new Council would contain representatives of the two greatest and strongest parties, the Congress and the League, which had not been represented in the old.<sup>1</sup> Fourthly, the agreed establishment of a National Government at the Centre would imply the return of the Congress members, to the Central legislature and the regular attendance of the League members, so that all the Members of Council, though not responsible to the legislature, would be able to count on the support of their party followers for legislative purposes. An agreed National Government at the Centre would also imply the assumption of office by Ministries in the Congress Provinces, presumably on a similar basis of co-operation between the Congress and the League.

To anyone who weighed these points the practical difference between the proposed National Government and the existing Executive Council was unmistakable. There was no reason to expect dissension in a body which would have owed its existence to the urgent need of presenting a united front to the enemy on the Indian frontier; but, if there should be dissension, the new Members of Council, backed by their well-disciplined parties in the legislature and outside it, would obviously be in a stronger position than their predecessors. If a majority of the Council were at variance with the Viceroy and if in the last resort he were to overrule them, they could resign and so destroy the whole system of war government by agreement and co-operation at the Centre which the British Government had so long striven to bring about, and also, if they chose, throw back the Provinces in which their parties had majorities to Governor's rule.

Thus the British proposal involved a real transfer of power to the Indian party leaders, both in the day-to-day control of their departments and in the business of the Council as a whole. But it would be change in practice only, not in law. 'You cannot change the constitution', Sir Stafford Cripps had said at one of his earlier Conferences: 'all you can do is to change the conventions of the constitution.'<sup>2</sup> But the Congress leaders were not content with a convention in the sense in which Sir Stafford had used the word, in its ordinary constitutional sense of 'custom' or 'usage': they wanted a binding agreement ruling out the exercise of the overruling power. And this, of course, was impossible under the existing Act. For the Viceroy to divest himself of any of the powers entrusted to him would be a breach of the law as laid down in the Ninth Schedule.<sup>3</sup> Thus the Congress leaders' demand for full Cabinet government, with no overruling power at all, was in fact a demand

<sup>1</sup> It was rumoured that Mr. Jinnah was prepared to accept an allocation of 4 seats to the Congress, 4 to the League, and 8 to the other minority parties.

<sup>2</sup> For the possible introduction of *quasi*-Cabinet government by usage, see p. 229 above.

<sup>3</sup> See p. 228 above.

for a new and far-reaching Act of Parliament; and since Sir Stafford had made it clear, in private and in public, beyond a shadow of doubt, that no such Act could be passed during the war, the demand was tantamount to an ultimatum breaking off negotiations.<sup>1</sup>

It should be sufficiently evident from previous chapters of this Report why the immediate conversion of the Executive Council into a Cabinet, equipped both *de facto* and *de jure* with 'full powers', was impossible. For it would mean that the final stage in India's advance to full national freedom had been crossed in a single stride. It would mean that the Government of British India, freed not only from the Viceroy's overruling power but also from responsibility to the Secretary of State, would have become as independent as the Government of a Dominion or of Britain itself. It would mean that, apart from the control of military operations during the war, the British Parliament had handed over to it all those residual responsibilities enumerated in Chapter XIX. Clearly this could not be done until the manner in which those responsibilities were to be discharged in future had been settled by discussion with the parties concerned and until the future relations between British India and the States had been similarly determined. Clearly the indispensable preliminary to India's full enfranchisement was some such constitutional and diplomatic procedure as the Draft Declaration had proposed. Nor was it barring the path to freedom to insist on that necessity. The Declaration itself not only implied that all the inherent difficulties could be overcome, but proposed a method of overcoming them. Quite obviously it could not be done in one sudden jump. It would take time, but the process was to begin immediately after hostilities had ceased; and how long it took thereafter would depend on the Indian leaders themselves. The Congress has many British friends—Sir Stafford Cripps conspicuously among them—who, while not always agreeing with Congress policy, can understand the impatience with which Congressmen, and other Indians too, have been waiting to acquire the right to determine their own destiny and the resentment they feel that in this supreme crisis in history India should not be able to play her part with the same entire freedom as other nations. Nevertheless some of those friends must have regretted that, with the war at its height and Japan at the gates, the Congress leaders could not bring themselves to wait a little longer for the full independence now promised with such manifest sincerity.

<sup>1</sup> Mr. L. Fischer in the *Nation* (New York) of Sept. 19 and 26, 1942, charged Sir Stafford Cripps with having made a promise and subsequently withdrawn it at the bidding of the British Government. This is wholly untrue. See Mr. Graham Spry's reply in the *Nation* of Nov. 14, 1942, and Lord Halifax's denial on December 8, 1942 (*The Times*, Dec. 9).

## CHAPTER XXII

### MR. GANDHI'S REBELLION

THE general disappointment at the failure of the Cripps Mission was unmistakable. Most of those Indians who desired a maximum effort of defence against Japan—and there were many Congressmen among them—had keenly desired a settlement which would have meant at least a provisional agreement between India and Britain and at least a suspension of party strife till the end of the war. Might not the association of the leaders of the Congress and the Moslem League in the same National Government, pledged to the common task of defending India, have gone far to check the rising tide of communal antagonism? A few years of such joint service of India by Hindu and Moslem politicians, and surely the problem of achieving a post-war settlement without disruption would have been greatly eased. The higher the hopes, the greater the disappointment. If, on the one hand, the realities of Indian politics had been displayed to the Indian public in those few months more clearly than ever before—and that was something to the good—on the other hand the failure to face those realities intensified the old mood of bitterness and frustration.

Mr. Jinnah, for his part, promptly re-opened battle on both his fronts. The League, he told the Press on April 14, repudiated the British plan because 'Pakistan was not conceded unequivocally and the right of Moslem self-determination was denied'. As for the Congress ultimatum, it was an attempt at 'short-circuiting the paramount and vital issue in the name of the national demand'—the game which the Congress had always played and the League had always resisted. The immediate independence of India, a Cabinet nominated by the major parties, the Viceroy and the Secretary of State deprived of their power to interfere—that means putting India 'at the command of the majority and at the command of the Congress'. 'It would be a Fascist Grand Council, and Moslems and other minorities would be entirely at the mercy of the Congress.' To concede the Congress demand and to talk of discussing the future constitution after the war was absurd. 'There will be nothing left to discuss except details.'<sup>1</sup>

The Congress 'high command', for their part, aware that the rôle they had played at Delhi was widely criticised, defended themselves by attacking Sir Stafford Cripps. The Congress newspapers depicted Sir Stafford as at the best a bungler who had misled the Working Committee and at the worst a Machiavellian agent of British reactionaries. 'The Cripps Mission', said the extremist *National Herald*, 'was the result of American pressure. It was a stage-managed show to buy off world opinion and to foist preconceived failure on the people of India.'<sup>2</sup> Mr. Gandhi described the British plan as 'on the face of it too ridiculous to find acceptance anywhere'.<sup>3</sup> 'Sir Stafford

<sup>1</sup> *Statesman*, April 16, 1942.

<sup>2</sup> April 24, 1942.

<sup>3</sup> *Harijan*, April 19, 1942.

Cripps', said Pandit Pant, 'has been sedulously propagating lies, faithfully following in the steps of Mr. Amery and others, only his methods are more subtle and insidious.'<sup>1</sup> Sir Stafford's proposals for a National Government, said Mr. Asaf Ali, were 'only a salted mine'.<sup>2</sup> Even Pandit Nehru, whose previous personal relations with Sir Stafford were known to have been closer than those of any other Congressman, presently joined in the chorus of denunciation. 'It is sad beyond measure', he said, commenting on a trans-Atlantic broadcast delivered by Sir Stafford after his return to England, 'that a man like Sir Stafford Cripps should allow himself to become the devil's advocate.'<sup>3</sup>

Once more it was only Mr. Rajagopalachari who took a moderate line. He was known to have favoured the acceptance of the proposals at Delhi, and he realised that the negotiations had confirmed the doctrine he had preached before the Mission came—that the main obstacle to the creation of a national front against Japan was Hindu-Moslem discord. On April 28 he addressed a small gathering mainly of his old Congress supporters in the Madras legislature, and carried two resolutions for submission to the A.I.C.C., the first recommending the acceptance of Pakistan in principle as the basis of a settlement between the Congress and the League, the second proposing the restoration of responsible government in Madras. Clearly the 'parting of the ways' was coming nearer.

The A.I.C.C. met at Allahabad from April 29 to May 2. The small attendance, less than 200 out of 389, may have been due to uneasiness and uncertainty in Congress circles as to what had happened at Delhi. In any case the Committee followed the lead of the 'high command', as it has always done, and that lead, as it has always been when the party was in serious difficulties, was back to Mr. Gandhi. Though he had left Delhi when the negotiations were only halfway through, enjoining the Working Committee to make up its own mind, his own unequivocal rejection of the British proposals was notorious, and at Allahabad he repeated the victory he had won at Delhi. The core of the main resolution, which was carried almost *nem. con.*, was as follows.

India's participation in the war was a purely British act. . . . If India were free, she would have determined her own policy and might have kept out of the war, though her sympathies would in any event have been with the victims of aggression. . . .

The A.I.C.C. is convinced that India will attain her freedom through her own strength and will retain it likewise. The present crisis as well as the negotiations with Sir Stafford Cripps make it impossible for the Congress to consider any schemes or proposals which retain, even in partial measure, British control and authority in India. Not only the interests of India, but also Britain's safety and world peace and freedom, demand that Britain must abandon her hold on India. It is on the basis of independence alone that India can deal with Britain or other nations.

<sup>1</sup> *Hindustan Times*, April 27, 1942.

<sup>2</sup> *National Herald*, July 30, 1942.

<sup>3</sup> *Ibid.*, April 22, 1942.

The Committee repudiates the idea that freedom can come to India through interference or invasion by any foreign nation, whatever the professions of that nation may be. In case an invasion takes place, it must be resisted. Such resistance can only take the form of non-violent non-co-operation as the British Government has prevented the organization of national defence by the people in any other way. The Committee would therefore expect the people of India to offer complete non-violent non-co-operation to the invading forces and not to render any assistance to them.<sup>1</sup>

In the course of a police raid on the A.I.C.C. office,<sup>2</sup> notes of the discussions in the Working Committee before the A.I.C.C. meeting were seized, and these revealed that Mr. Gandhi had submitted his own draft of the resolution. It insisted that India's conflict with Britain was eternal, but that she had no quarrel with Japan. 'The Committee', ran one sentence, 'desires to assure the Japanese Government and people that India bears no enmity either towards Japan or towards any other nation.' 'If India were freed', ran another sentence, 'her first step would probably be to negotiate with Japan.'<sup>3</sup> Pandit Nehru, it appeared, had protested that the whole tenour of Mr. Gandhi's draft was in favour of Japan and revealed a belief that the Axis Powers would win the war. The final draft was thus a compromise, but its text, as quoted above, betrayed which side had prevailed. In fact the division in the 'high command' between the pacifists and the non-pacifists had been healed. Pandit Nehru had surrendered. Up to this point he had consistently preached violent resistance to the Japanese: he had spoken to that effect when Sir Stafford Cripps was at Delhi and even later. Now he had subscribed to 'non-co-operation' as the only method of defence against invasion.

The unity of the 'high command' in submission to Mr. Gandhi was further strengthened by the fate of Mr. Rajagopalachari. The second of his two resolutions was withdrawn at the A.I.C.C. meeting. The first, recommending a Congress-League accord, was rejected by 120 votes to 15, and a counter-resolution, declaring that

any proposal to disintegrate India by giving liberty to any component State or territorial unit to secede from the Indian Union or Federation will be highly detrimental to the best interests of the people of the different States and Provinces and the country as a whole and the Congress, therefore, cannot agree to any such proposal

was carried by 92 votes to 17.<sup>4</sup> Mr. Rajagopalachari told the Press on May 4 that he was going to continue his campaign. To obtain the transfer of power from Britain, he said, India must be united, and that primarily meant a settlement with the Moslem League. 'I cannot achieve anything by negotiating with the League myself. I must convert the Congress and the

<sup>1</sup> *The Times*, May 4, 1942.

<sup>2</sup> The raid was made because some of the other resolutions of the A.I.C.C. had been banned as likely to be seriously detrimental to the war-effort, and it was believed that copies of them were stored at the office for secret circulation.

<sup>3</sup> *The Times*, Aug. 5, 1942.

<sup>4</sup> *Leader*, April 30, 1942.



people of India to my views.<sup>1</sup> Another series of speeches in his native Province followed. In one of them he directly challenged Mr. Gandhi. Though Britain, he said, had committed many crimes against India, she could not add to them by leaving India in chaos to become a certain prey to foreign aggression.<sup>2</sup> Such open insubordination provoked a threat of 'disciplinary action', and, without waiting for it, Mr. Rajagopalachari announced his intention to resign his membership of the Congress and also his seat in the Madras Assembly 'in order to be absolutely free to continue his campaign to convert the Congress'.<sup>3</sup> At a meeting of the Congress members of the Provincial legislature on July 15 he formally resigned. Once more the strength of Mr. Gandhi's authority was made evident. Only seven of his colleagues followed the ex-Premier into exile, and by overwhelming majorities the meeting rescinded the previous pro-Pakistan resolution and confirmed the resolutions of the A.I.C.C.

Thus Mr. Gandhi was now the undisputed master of the Congress movement, and the path he intended it to follow was revealed in a series of outspoken articles in *Harijan* and of interviews with pressmen, especially the American correspondents who had come to India in greater numbers now that it was a base for American forces. Before the A.I.C.C. meeting at Allahabad he had already begun to propound his new solution of the Indian problem—the immediate withdrawal of the British from India. 'If the British left India to her fate,' he wrote on April 26, 'as they had to leave Singapore, non-violent India would not lose anything. Probably the Japanese would leave India alone.' The American troops must go with the British. 'We know what American aid means. It amounts in the end to American influence, if not American rule, added to British.' The plea for evacuation was repeated on May 8 and again on May 10.

The time has come during the war, not after it, for the British and the Indians to be reconciled to complete separation from each other. . . . I must devote the whole of my energy to the realisation of this supreme act. . . . The presence of the British in India is an invitation to Japan to invade India. Their withdrawal removes the bait. Assume, however, it does not; free India will be better able to cope with the invasion. Unadulterated non-co-operation will then have full sway.

'America could have remained out of the war,' he wrote on May 17, 'and even now she can do so if she divests herself of the intoxication her immense wealth has produced.' 'Leave India in God's hands,' he said on May 24, 'in modern parlance, to anarchy, and that anarchy may lead to internecine warfare for a time or to unrestrained dacoities. From these a true India will rise in place of the false one we see.' But he was being much questioned at this time by American journalists about the effect on China and the cause of the United Nations if India were abandoned as a base of defence and

<sup>1</sup> *The Times*, May 5, 1942.

<sup>2</sup> *Hindu*, June 16, 1942.

<sup>3</sup> *Leader*, July 10, 1942. Mr. Bhulabhai Desai resigned from the Working Committee early in July.

counter-attack against Japan, and in the next few issues of *Harijan* he shifted his ground. Allied troops, he wrote on June 7, might remain 'under a treaty with the Government of a free India and at the United Nations' expense for the sole purpose of repelling a Japanese attack and helping China'. At the same time he expressed the hope that non-violence would prove to be the predominant factor in determining the fortunes of war. 'This non-violence will no longer take the shape of non-co-operation, but will express itself in India's ambassadors going to the Axis Powers not to beg for peace, but to show them the futility of war.' In the next two issues he again conceded that, though the Indian Army would be automatically disbanded, Allied forces might continue to operate in India on terms laid down by the new National Government. Finally, on June 28, he confessed to having left a 'gap' in his earlier scheme. 'I could not guarantee fool-proof non-violent action to keep the Japanese at bay. Abrupt withdrawal of the Allied troops might result in Japan's occupation of India and China's sure fall. I had not the remotest idea of any such catastrophe resulting from my action.'

The Working Committee met at Wardha on July 6 with Mr. Gandhi in attendance. The main resolution, which was passed and published on July 14,<sup>1</sup> made it clear that, if Mr. Gandhi had changed his mind as to the immediate withdrawal of Allied troops from India, he still insisted on the immediate abdication of Britain's share in Indian government.

'British rule in India must end immediately,' said the resolution in its opening sentence, not only because foreign domination is an evil in itself, but because 'India in bondage' can play no effective part in defending herself and saving the world 'from Nazism, Fascism, militarism and other forms of imperialism'. Throughout the war, the resolution went on, the Congress has done its best not to embarrass the Government in the hope that 'real power would be transferred to popular representatives'. But 'the abortive Cripps proposals showed in the clearest possible manner that there was no change in the British Government's attitude towards India and that the British hold on India was in no way to be relaxed'. The result has been a dangerous growth of ill-will towards Britain and of 'satisfaction at the success of Japanese arms'. The Congress is 'anxious to avoid the experience of Malaya, Singapore and Burma', and desires to resist aggression and to 'make India a willing partner in a joint enterprise of securing freedom for the nations and peoples of the world'.

Two paragraphs followed anticipating the probable results of British abdication on the communal question and on the future course of Indian politics as seen, it is evident, through Pandit Nehru's eyes.

The Congress representatives have tried their utmost to bring about a solution of the communal tangle. But this has been made impossible by the presence of the foreign Power, and only after the ending of foreign domination and intervention can the present unreality give place to reality and the people

<sup>1</sup> *The Times*, July 16, 1942.

of India, belonging to all groups and parties, face India's problems and solve them on a mutually agreed basis.

The present political parties, formed chiefly with a view to attract the attention of and influence the British Power, will then probably cease to function. For the first time in India's history the realisation will come home that the Princes, *jaghirdars*, *zamindars* and propertied and moneyed classes derive their wealth and property from the workers in the fields, factories and elsewhere, to whom essentially power and authority must belong.

Next, the resolution explained how the immediate transfer of power from Britain to India was to be effected.

On the withdrawal of British rule in India responsible men and women of the country will come together to form a provisional Government, representative of all important sections of the people of India, which will later evolve a scheme by which a Constituent Assembly can be convened in order to prepare a constitution for the Government of India, acceptable to all sections of the people. Representatives of free India and representatives of Great Britain will confer together for the adjustment of future relations and for the co-operation of the two countries as allies in the common task of meeting aggression.

Finally, the resolution asked for the acceptance of 'the very reasonable and just proposal herein made, not only in the interest of India, but also that of Britain and of the cause of freedom to which the United Nations proclaim their adherence'.

Should, however, this appeal fail, the Congress cannot view without the gravest apprehension the continuation of the present state of affairs involving a progressive deterioration in the situation and the weakening of India's will and power to resist aggression. The Congress will then be reluctantly compelled to utilise all the non-violent strength it might have gathered since 1920, when it adopted non-violence as part of its policy, for the vindication of political rights and liberty. Such a widespread struggle would inevitably be under the leadership of Mahatma Gandhi. As the issues raised are of the most vital and far-reaching importance to the people of India, as well as to the peoples of the United Nations, the Working Committee refers them to the All-India Congress Committee for final decision. For this purpose the A.I.C.C. will meet in Bombay on August 7, 1942.

Startling though it may seem on a first reading, this resolution was the logical sequel to what had gone before. It made explicit the demand for immediate independence implicit in the Working Committee's answer to Sir Stafford Cripps' proposals; and it gave final and concrete expression to the Congress doctrine that India can safely be given that independence before she has obtained a system of government under which it can be exercised. All the well-known obstacles to an agreement as to what sort of system it should be are brushed aside. It is taken for granted that, the moment the existing Government had ceased to function, 'responsible men and women' would somehow form a new Government which would command the obedience of all British India and maintain its relationship with the States. As to the future constitution Mr. Gandhi was vague. 'We may quarrel among our-

selves,' he wrote on July 12, 'or may adjust our quarrels and agree to set up an ordered rule on behalf of the people. It may be a democratic constitution or an unadulterated autocracy or oligarchy. . . There is no end to the possibilities.' And again (July 26): 'After the restoration of India to the nation, there will be no Central Government. The people's representatives will have to construct it.' But more important than these speculations about the future was the fact that, if Mr. Gandhi's demand were conceded, there would be no Central Government *now*, and, until those 'responsible men and women' established it, there would be no legal authority for the maintenance of peace and order anywhere in British India and no machinery for maintaining in the field the Allied forces now confronting the advancing Japanese on the frontiers of Assam and Bengal. As to how it was to be established, Mr. Gandhi made only one point clear. The Congress was to 'take delivery' from the existing Government and then do its best to promote unity. Writing on August 2, he quoted what Maulana Azad had said: 'The Congress does not desire to take power for itself but for all. If real power is handed over to the Congress, surely it will approach other parties and persuade them to join.'

The gravest feature of the resolution was the threat to use all the Congress 'non-violent strength' against the Government if it refused to abdicate, and it is one more proof of Mr. Gandhi's power that this threat was backed by Congress leaders who not so long ago had learned from their own experience as Ministers what tragic results might follow from any organised defiance of the law. It was impossible to foretell to what lengths 'mass civil disobedience' might go. In 1930-31 it had brought about a very serious situation in several parts of India; and Mr. Gandhi himself, who had more than once before admitted that he could not guarantee that, once a large-scale non-violent movement had been launched, there would be no violence, now admitted it again. 'I do not want rioting as a direct result', he said on July 19.<sup>1</sup> 'If in spite of precautions rioting does take place, it cannot be helped.' Nor would it suffice to keep the peace and prevent bloodshed if every Congressman obeyed the dictates of *ahimsa*; for the general challenge to authority would tempt not only the lawless elements throughout the country but also the organised underground revolutionary bodies on the extreme Left to make the most of their opportunities. At any time the danger of such developments would have been obvious enough, and this was a time when, as soon as the weather permitted, a Japanese invasion of India was expected. It was with these considerations in mind, no doubt, that Maulana Azad hastened to explain that the resolution was not an ultimatum;<sup>2</sup> but for twenty years past the President of the Congress has never been its 'sovereign',<sup>3</sup> and Mr. Gandhi's interpretation of the resolution was quite uncompromising. 'There is no room left for negotiation',

<sup>1</sup> *Harizan*, July 19, 1942.

<sup>2</sup> *Times of India*, July 16, 1942.

<sup>3</sup> See pp. 90-93 above.

he told the journalists at Wardha on July 14: 'either they recognise India's independence or they don't. . . . There is no question of "one more chance"'. After all, this is open rebellion.<sup>1</sup>

The Working Committee's resolution was greeted with a chorus of dissent and alarm. No party other than the Congress, no individual politician outside its ranks, approved of such a stark defiance of the Government at so critical a time. It was an attempt, said Mr. Jinnah, 'to coerce the British Government to surrender to a Congress Raj'. 'Britain', he added, 'dare not sacrifice the Moslems.' Later on, he described the 'Quit India' campaign as 'a manifestation of an angered and desperate mentality', and asked if this was the best contribution that Mr. Gandhi could make to India in the evening of his life.<sup>2</sup> Towards the end of July he declared his intention of summoning the Working Committee of the League to discuss the 'most dangerous and serious situation' created by Mr. Gandhi's challenge to the British Government and to Moslem India.<sup>3</sup> Mr. Savarkar and other Mahasabha leaders, while sharply critical of the British Government, called on their followers to give no active support to the Congress policy.<sup>4</sup> The Council of the National Liberal Federation expressed its anxiety with its customary restraint. 'The Council trusts', it said, 'that no civil disobedience movement will be started as it will be prejudicial to the best interests of the country in respect of defence and other matters.'<sup>5</sup> Though it was clear that the Congress had committed itself to nothing short of British abdication, Sir Tej Bahadur Sapru continued to plead for modifications in the existing constitution, and, at the end of July, when the crisis was approaching its climax, he appealed for the abandonment of civil disobedience and the summoning by all the party leaders of a Round Table Conference to bring about an immediate settlement and to set up the machinery for the discussion of the future constitution. 'It is my emphatic opinion', he declared, 'that no one has got the right to gamble with the lives and safety of 400 million people at a time when our internal discussions and civil strife must bring joy and encouragement to the hearts of the Japanese.'<sup>6</sup> This proposal was backed by Mr. Jayakar,<sup>7</sup> but Pandit Nehru had already turned it down: it was unacceptable, he said, to the Congress without prior recognition 'of our basic standpoint of an immediate declaration of independence'.<sup>8</sup> Other Liberals took the same line as Sir Tej. The Congress policy, said the veteran Mr. Srinivasa Sastri, meant 'a good deal of misery all round'. It was 'creating anarchy hoping that some settled form of government would take its place'.<sup>9</sup> 'Britain dare not go back on her word', said Sir K. V. Reddi, the non-Brahmin leader in Madras. 'Can't we wait for a year or two more?'<sup>10</sup> 'I yield to none', said Dr. Ambedkar on behalf of the Depressed Classes, 'in my desire for the freedom of this country . . . but it would be madness to

<sup>1</sup> *Times of India*, July 15, 1942.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, July 15 and Aug. 1.

<sup>4</sup> *Ibid.*, Aug. 11.

<sup>5</sup> *Ibid.*, July 6.

<sup>6</sup> *Ibid.*, July 27, and *Reuter*, Bombay, July 28.

<sup>7</sup> *Reuter*, Bombay, Aug. 4.

<sup>8</sup> *Times of India*, Aug. 1.

<sup>9</sup> *Leader*, Aug. 9.

<sup>10</sup> *Ibid.*, July 22.

weaken law and order when the barbarians are at our gates.'<sup>1</sup> 'We will not allow this country to be betrayed', said the President of the National Democratic Union, 'by a misguided visionary like Gandhi.'<sup>2</sup> 'We Indian Communists', said Mr. P. C. Joshi, General Secretary of the Indian Communist Party, 'are trying to convince our fellow patriots that the course of action suggested by Congress leadership does not lead to freedom, but cuts the nation away from freedom's battle and divides progressive forces in Britain and India.'<sup>3</sup> Of many individual protests two may be cited here. The resolution, said Sir Sikander Hyat Khan, 'aims, to put it mildly, at creating pandemonium'. It was 'a gross betrayal of our country' and of the Indian soldiers fighting to preserve its freedom.<sup>4</sup> 'The withdrawal of the Government', wrote Mr. Rajagopalachari in a letter of protest to Mr. Gandhi, 'without simultaneous replacement by another must involve the dissolution of the State and society itself.' The first need was Hindu-Moslem agreement as to a National Government to take over power. Without that, the proposed campaign would only benefit the Japanese.<sup>5</sup>

Meantime the Central Government held its hand. Some observers questioned the wisdom of allowing the Congress leaders to go on preaching rebellion and making their plans to bring it about, but the Government, as it afterwards declared, was hoping that, when the Wardha resolution came up for confirmation on August 7, the ultimatum at the end of it might after all be withdrawn in view of its universal condemnation not only by non-Congress Indians but also in the British and American Press. When the day of decision drew near, Mr. Amery repeated in the House of Commons the pledge he had given on the morrow of Sir Stafford Cripps' return to England—while the Draft Declaration had been withdrawn, the broad principles of it stood as the settled policy of the British Government and Parliament—but at the same time he warned the Congress leaders that there would be no compromise with rebellion.<sup>6</sup> The Labour Party had already declared its attitude. On July 22 its National Executive Committee had appealed to the Indian peoples to make a further effort to reach a settlement between themselves and with the British Government, and had expressed its anxiety at the possibility of a civil disobedience movement. 'Such a movement,' it had said, 'the very contemplation of which is a proof of political irresponsibility, might imperil the fate of all freedom-loving peoples and thereby destroy all hopes of Indian freedom.'<sup>7</sup> British public opinion in general was reflected in the statement issued to the Press by Sir Stafford Cripps on August 6.<sup>8</sup>

<sup>1</sup> *Ibid.*, July 28.

<sup>2</sup> *Reuter*, Bombay, Aug. 2.

<sup>3</sup> *Ibid.*, Aug. 3.

<sup>4</sup> *Ibid.*, Lahore, Aug. 1, 1942; Cairo, Aug. 11.

<sup>5</sup> Text in Appendix IX, p. 387 below.

<sup>6</sup> *Hansard*, H. of C., cccxxxii, 674-5. For the previous pledge, see H. of C. (April 28), cccxxix, 912, and for Mr. Churchill's later repetition of it, H. of C. (Sept. 10), cccxxxiii, 802.

<sup>7</sup> *The Times*, July 23, 1942. After the events of August 8 and 9, the Executive Committees of the Labour Party and Trades Union Congress declared that 'the establishment of a free India in the post-war world is secure' and that agreement on this principle was 'a mighty historic achievement', and condemned 'the present attempt to organise a civil disobedience movement in India as certain to injure seriously the hope of Indian freedom . . . and give encouragement and comfort to the common enemy'. *The Times*, Aug. 13, 1942.

<sup>8</sup> *The Times*, Aug. 6, 1942.

Chaos in India at this moment would not affect India only. It would affect vitally the whole war against the Axis Powers . . . I cannot believe that it is the desire of the Indian people—and I know it is not the desire of many of them—to use this time of difficulty in order to extract compliance with the views of one section of opinion, however large and important. . . . I remember Mr. Gandhi saying some years ago that, once given the certainty of Indian freedom in the future, he cared little how long the period of transition lasted. The certainty has now been given, and the period of transition has been reduced to 'while hostilities last'. Is it not then unreasonable to demand suddenly that there should be no period of transition at all, and to make that demand at a moment of peculiar difficulty for the United Nations? . . . We make no threats, but we must assert unequivocally our duty to India, to the great minorities, and to the United Nations to preserve law and order until hostilities cease and we can then give, as we have promised, the fullest opportunity for the attainment of self-government by the Indian people.

On August 5 the Congress Working Committee passed a new resolution<sup>1</sup> for submission to the now imminent meeting of the A.I.C.C. It confirmed the Wardha resolution and repeated its main arguments, but in view of the controversy of the last few weeks it added one or two new points. To meet the charge that the Congress was backing out of the war and becoming 'isolationist', the resolution declared that a free India would become an ally of the United Nations, using its armed as well as its non-violent forces in the common cause, and would willingly join a federation of free nations to maintain the future peace of the world. To conciliate the minorities it was pointed out that the Congress was not 'embarking on a mass struggle' to obtain power for itself. 'Power, when it comes, will belong to the whole people of India.' The Provisional Government will be 'a composite Government representative of all the important sections of people in India'; and the constitution to be drafted later on by the Constituent Assembly should be 'a federal one with the largest measure of autonomy for the federating units and with residuary power resting in these units'—an important departure from the unitarian doctrine preached by the Congress leaders in earlier years. No less significant was the stress now laid on the responsibility of the United Nations as a whole and not of Britain only for the liberation of India. 'By freedom in India will Britain and the United Nations be judged . . . India in bondage continues to be a symbol of British Imperialism, and the taint of that Imperialism will affect the fortunes of all the United Nations.' The Wardha resolution had appealed to Britain; the new one appealed 'to Britain and the United Nations'.

The ultimatum was not tempered. It was asserted, indeed, that developments since the Wardha meeting had confirmed the futility of all promises or guarantees for the future and the necessity for the immediate withdrawal of British rule from India. After repeating and sanctioning the proposals for 'a mass struggle on non-violent lines on the widest possible scale' under Mr. Gandhi's command, the resolution appealed 'to the people of India to

face the dangers and hardships that fall to their lot with courage and endurance, and hold together under the leadership of Gandhi and carry out his instructions as disciplined soldiers of Indian freedom'.

On August 7 this resolution was submitted to the A.I.C.C. meeting at Bombay, which was attended by about 250 of its members. Mr. Gandhi was there as usual, and he made it clear that he was in full accord with the Working Committee or they with him. In a long speech he pleaded that he was 'a greater friend of the British now than he ever was', and for that very reason he was bound 'to point out their mistakes to them'. But he did not suggest a compromise. 'We shall get our freedom by fighting', he said: 'it cannot fall from the skies.'<sup>1</sup>

There was little opposition. Dr. Subbarayan, an ex-Minister from Madras, asked that the Congress should take the initiative in bringing about an agreement with the Moslem League, since 'a mass movement launched without communal harmony might lead to chaos and disorder'. Pandit Balkrishna Sharma, speaking for Labour, declared that the proposed campaign was untimely with the Japanese on the frontier and that it would not obtain the full support of Indian Trade Unionists. But these arguments had no effect. The few amendments moved were negatived, and, when on the afternoon of August 8 the resolution was put to the vote, only 13 votes were cast against it. Mr. Gandhi accepted the decision as 'the chief servant of the nation'.

The voice within me tells me I shall have to fight against the whole world and stand alone. . . . Even if all the United Nations oppose me, even if the whole of India tries to persuade me that I am wrong, even then I will go ahead, not for India's sake alone but for the sake of the world. . . . I cannot wait any longer for Indian freedom. I cannot wait until Mr. Jinnah is converted. . . . If I wait any longer, God will punish me. This is the last struggle of my life.<sup>2</sup>

Early on August 9 Mr. Gandhi, the members of the Working Committee and some other Congress leaders were arrested,<sup>3</sup> and the A.I.C.C. and all the Provincial Congress Committees, except in the North-West Frontier Province, were banned.<sup>4</sup> The Central Government, said the official *communiqué*,<sup>5</sup> had been aware for some days of the preparations being made by Congressmen for a campaign of lawlessness, including attempts to interrupt communications, to foment strikes, to tamper with the loyalty of Government servants and to interfere with recruitment.

The Government of India have waited patiently in the hope that wiser counsels might prevail. They have been disappointed in that hope. To a challenge such as the present there can only be one answer. The Government of India would regard it as wholly incompatible with their responsibilities to the people of India and their obligations to the Allies that a demand should be discussed, the acceptance of which would plunge India into confusion and

<sup>1</sup> *Leader*, Aug. 8, 1942.

<sup>2</sup> Under Rule 26 of the Defence of India Rules.

<sup>3</sup> Under the Criminal Law Amendment Act of 1908.

<sup>4</sup> *Ibid.*, Aug. 10, 1942.

<sup>5</sup> *The Times*, Aug. 10, 1942.



anarchy internally and would paralyse her effort in the common cause of human freedom.

The *communiqué* went on to remind the people of India of the British Government's guarantee of self-determination directly after the war and to deny the capacity of the Congress to override the realities of Indian politics and establish the freedom of India at a stroke. The action, it was added, which the Government was bound to take to uphold law and order and safeguard the war-effort would be 'preventive' rather than 'punitive'.

It was afterwards made known that the Central Government's decision had been unanimous. The Executive Council, it will be remembered, had recently been expanded, and, as it happened, the three official Members (apart from the Viceroy) were absent.<sup>1</sup> Thus the decision was taken by the Viceroy and the twelve unofficial Members, all of whom, except Sir E. C. Benthall, were Indians.

For some time before the Bombay resolution Mr. Gandhi had been trying to win over the Moslem League to a combined attack on British rule. 'Why blame the British for our own limitations?' he wrote a few days after the breakdown of the Cripps Mission. 'Attainment of independence is an impossibility *till we have solved the communal tangle.*'

If the vast majority of Muslims regard themselves as a separate nation, having nothing in common with the Hindus and others, no power on earth can compel them to think otherwise. And if they want to partition India on that basis, they must have the partition, unless Hindus want to fight against such a division. So far as I can see, such a preparation is silently going on on behalf of both parties. That way lies suicide. Each party will probably want British or foreign aid. In that case good-bye to independence. . . . I dare not contemplate the actuality. I should not like to be its living witness. I would love to see a joint fight for independence. In the very process of securing independence it is highly likely that we shall have forgotten our quarrels. But if we have not, *it will then only be the time to quarrel if we must.*<sup>2</sup>

The contradiction between the two italicised passages is plain. The first declares that communal agreement must precede independence, the second that agreement—or disagreement—must wait till independence has been won. And it was soon clear that in the meantime Mr. Gandhi was not prepared to accept the one condition on which a Hindu-Moslem accord was now practicable—an acceptance in principle of the Moslems' right of self-determination. A fortnight after the article quoted above was published, the A.I.C.C. met at Allahabad, and Mr. Gandhi was evidently in agreement with the resolutions which on the one hand demanded the withdrawal of British rule and on the other hand flatly ruled out of discussion any proposal of partition. Nor did he prevent, as he doubtless could have prevented if he

<sup>1</sup> Sir Jeremy Raisman was on a visit to England. Sir Reginald Maxwell was ill. The Commander-in-Chief was overseas.

<sup>2</sup> *Harijan*, April 18, 1942. Italics not in the original.

had wished, the subsequent virtual expulsion of Mr. Rajagopalachari from the party on that issue.

As the day of decision drew near, one more effort was made to win over the League. Writing on August 2, Mr. Gandhi quoted with approval a statement of Maulana Azad that 'he had no objection to Britain handing over power to the Muslim League or any other party provided it was real independence', since, as he pointed out, no single party could function properly without the co-operation of other parties.<sup>1</sup> Finally, a few hours before his arrest, he wrote to a Moslem business-man in Bombay:<sup>2</sup>

Provided the Muslim League co-operated fully with the Congress demand for immediate independence without the slightest reservation, subject of course to the proviso that independent India will permit the operations of the Allied armies in order to check Axis aggression and thus help both China and Russia, the Congress will have no objection to the British Government transferring all the powers it to-day exercises to the Muslim League on behalf of the whole of India.<sup>3</sup> And the Congress will not only not obstruct any government that the Muslim League may form on behalf of the people, but will even join the government in running the machinery of the Free State.

But, when Mr. Gandhi wrote that letter, the decisive resolution had already been carried by the A.I.C.C. He had not 'waited for Mr. Jinnah', and in any case Mr. Jinnah was not likely to acquiesce in the immediate withdrawal of British authority in India—an authority pledged to protect the rights of minorities and equipped by law to do so through the 'safeguards' and the power of ultimate control—'without the slightest reservation' as to the position of the Moslems in the future Free State. As it was, when the arrest of the Congress leaders was known, he issued a statement deeply regretting that the Congress had declared war on the Government, regardless of all interests other than its own, and appealing to Moslems to keep completely aloof from the movement and to await the formulation of the League's policy by the Working Committee.<sup>4</sup>

On August 20, when the outbreak of disorder was at its height, the League Working Committee, meeting at Bombay, passed a lengthy resolution<sup>5</sup> repeating its leader's condemnation of the 'open rebellion' launched by the Congress, which had now resulted 'in lawlessness and considerable destruction of life and property'.

It is the considered opinion of the Working Committee that this movement is directed not only to coerce the British Government into handing over power to a Hindu oligarchy and thus disabling them from carrying out their moral obligations and pledges given to the Musalmans and other sections of the peoples of India from time to time, but also to force the Musalmans to submit and surrender to Congress terms and dictation.

Since the war began and even earlier, the resolution continued, the sole objective of the Congress had been to secure power for itself. While claiming

<sup>1</sup> *Harizon*, Aug. 2, 1942.

<sup>2</sup> *Times of India*, Aug. 20, 1942.

<sup>3</sup> This passage shows that the Congress was demanding the surrender not only of British authority in British India but also that of the Paramount Power.

<sup>4</sup> *Times of India*, Aug. 10, 1942.

<sup>5</sup> *Ibid.*, Aug. 21, 1942.

the right of self-determination 'for "India", which is a mere Congress euphemism for a Hindu majority', it had denied that right to the Moslems; and the A.I.C.C. resolution at Allahabad had 'closed the door to the settlement of the communal problem, which is a condition precedent to the attainment of the freedom and independence of India'.

The negotiations of Sir Stafford Cripps with the Congress broke down not on the issue of independence but because of the refusal of the British Government to hand over the Muslims and the minorities to the tender mercies of the Congress. Any acquiescence in this on the part of the British would have been strenuously resisted by the minorities and particularly by the Muslim nation with memories of tyranny in the Congress-governed Provinces still fresh and vivid in their minds.

Baulked in their effort to cajole Sir Stafford Cripps to agree to the transfer of power to the Congress caucus, they decided upon a slogan—'Quit India'—accompanied by the threat of mass civil disobedience. This slogan is mere camouflage and what is really aimed at is the supreme control of the government of the country by the Congress.

The Moslems, the resolution went on, were 'not a whit less insistent' than the Congress on the attainment of independence, but the purpose of the Congress was not to secure freedom for all the constituent elements in the life of India but to bring about 'the establishment of a Hindu Raj and to deal a deathblow to the Muslim goal of Pakistan'.

The resolution then recorded the Working Committee's dissatisfaction with the British Government's attitude to the Moslems. 'The appeasement of the Congress has been the central pivot of the Government's policy', with no result save rebellion. They had ignored the League's willingness to share in the administration and in the war-effort, its acceptance of 'the underlying principles of the August Offer of 1940', and its response to the Japanese challenge. But Moslem co-operation was still possible, the Moslem masses could still be roused to a maximum war-effort, provided they were certain of attaining Pakistan. The League, therefore, now called upon the British Government without delay 'to pledge themselves that they will abide by the verdict of the plebiscite of Musalmans and give effect to the Pakistan scheme' in accordance with the principles of the Lahore resolution of 1940.

In conformity with the Congress precedent this appeal was extended to other Governments besides the British.

Having regard to the oft-repeated declarations of the United Nations to secure and guarantee the freedom and independence of the smaller nations of the world, the Working Committee invite the immediate attention of the United Nations to the demand of 100 millions of Muslims of India to establish sovereign States in the zones which are their homelands and where they are in a majority.

The resolution concluded as follows:

In these circumstances the Working Committee of the All-India Muslim League, after anxious and careful consideration, call upon the Muslims to abstain from any participation in the movement initiated by the Congress and

to continue to pursue their normal peaceful life. The Working Committee hope that no attempt shall be made from any quarter to intimidate, coerce, molest or interfere in any manner with the normal life of the Muslims, otherwise the Muslims will be compelled to offer resistance and adopt all such measures as may be necessary for the protection of their life, honour and property.

The hope expressed in that last paragraph was fulfilled. The Moslems obeyed their orders, and the Congress law-breakers, acting, no doubt, on similar orders, carefully abstained from any provocative conduct. Throughout the trouble there was no such outbreak of Hindu-Moslem strife as had almost invariably accompanied similar trouble, whether of political or economic origin, in the past. And amid much that was disheartening in the record of those weeks of turmoil this at least was of good augury for India's future. For it meant that, if the leaders were determined on it, communal passion could be held in check.

A summary account may now be given of the course of the 'rebellion'.<sup>1</sup>

(1) Mr. Gandhi's final message to his followers after his arrest was 'Do or die!'<sup>2</sup> and two or three days later serious disorders broke out simultaneously in parts of Bombay, Madras, the Central Provinces and Bengal, and on a graver scale in Bihar and in the east of the United Provinces. There were lesser outbreaks later on in Orissa and Assam. In the Punjab, Sind and the North-West Frontier Province there was relatively little trouble. Disturbances were also reported from a number of States, but, though in a few cases firing had to be opened on riotous mobs, they were negligible on the whole in comparison with those in British India, and everywhere the situation was quickly brought under control.

(2) The attack was directed in the first instance against communications—the railways and the telegraph and telephone system. Mobs, often thousands strong, set fire to railway stations, signal boxes and post-offices. Smaller gangs tampered with the permanent way and cut telegraph and telephone wires. By the middle of September about 250 railway stations had been destroyed or damaged, and of some 550 post-offices attacked 50 had been burnt out and over 200 seriously damaged. Most of the railway system in Bihar and the adjoining districts of the United Provinces was temporarily put out of action, and for a considerable time Bengal and Assam were completely isolated from the rest of Northern India. Communications with Madras were also interrupted. Thus the British and Indian forces defending the north-east frontier against the Japanese were deprived of their main channels of reinforcement and supply. War industries were similarly cut off from their chief source of coal which is located in Bihar.

(3) Besides the assault on communications, attacks were made on upwards of 155 police-stations and other Government buildings, most of which were destroyed. Municipal and private property was not altogether

<sup>1</sup> Based mainly on the Statement made by the Home Member of the Central Executive Council (Sir Reginald Maxwell) to the Central Assembly on Sept. 17. *Legislative Assembly Debates*, vol. iii, no. 2, pp. 141-51.

<sup>2</sup> *Ibid.*, p. 148.

spared, but there was very much less indiscriminate looting and arson than might have been expected.

(4) Attempts were also made to compel civil servants to betray their trust. At Chimur (which is less than 50 miles from Wardha) 'the sub-Divisional Magistrate, the Circle Inspector of Police, the Naib-Tahsildar and a constable were offered their lives if they promised to join the Congress and resign from Government service. They refused and were then murdered in cold blood and their bodies burnt.' Similar incidents occurred at other places. Over 80 policemen were killed, some of them caught without arms and murdered.

(5) The large-scale attack on communications was defeated by the end of August. The second phase of the campaign consisted mainly of isolated acts of sabotage and the secret distribution of inflammatory leaflets; but there were one or two outbreaks of destructive violence, the most serious of which was in the Midnapur district of Bengal, a notorious centre of terrorism in past times. By the end of the year the force of the rebellion seemed to have been exhausted, and there was apparently no likelihood of any further serious threat in the immediate future to the maintenance of order and the defence of the frontier.

(6) Throughout the trouble the conduct of the civil services was, with very few exceptions, exemplary. 'One of the high lights of the situation', said the Government spokesman in the Central Assembly, 'has been the manner in which not only the police, on whom the deadliest attacks usually fell, but also all ranks of Government servants—even the humblest—have, in the country as a whole, stood firm and done their duty.'<sup>1</sup>

(7) Troops were used in support of the police, mainly in the earlier phase and especially in Bihar. The casualties were 11 killed and 7 wounded.<sup>2</sup> Aircraft were used for reconnaissance, and on five occasions, after warnings had been unheeded, they fired on mobs engaged in destroying the railway line. No bombs were dropped.

(8) The number of insurgents killed in conflict with the troops and police were reported in mid-September as 658. By the end of November the figure had risen to 940. The cost of the destruction and disturbance has been officially estimated at about £1 million.

It may be pointed out, in conclusion, that the 'rebellion' was in no sense a national uprising. The area of the disturbances was limited, and the numbers engaged in them, though relatively large in some places, were a minute fraction of the local population. The Congress obtained no help from any other organised political party. Those from outside its ranks who did take part in the campaign were mostly drawn from those lawless elements which have always lurked in the background of Indian society—*goondas* or hooligans, ready to make the most of any assault on the law and its upholders,

<sup>1</sup> *Loc. cit.*, p. 147.

<sup>2</sup> Two R.A.F. officers, travelling on leave, were taken from a train, killed, and their bodies paraded through the town and thrown into a river.

and members of revolutionary organisations, waiting underground for a chance to overthrow the Government.

No doubt the revolt would have been more widespread and better organised if the Congress 'high command' had been allowed to perfect their plans for it and to choose their time for launching it. But that does not mean that, as Congress apologists asserted, the outbreak was not Congress' doing but a spontaneous popular reaction to the arrest of Mr. Gandhi and other patriots. In reply to that assertion the Government spokesman in the Central Assembly pointed out that the disorders had begun simultaneously at widely separated points, that the worst trouble had been located in a vital strategic area, that expert technical knowledge had been displayed and special tools used in the assault on communications, and that discrimination had been shown in the conduct of sabotage from which, for instance, the plant and machinery of private industrialists were exempted—all of which seemed to be evidence of design and preparation. In several places, moreover, well-known Congressmen were observed inciting and directing the work of destruction.<sup>1</sup>

It may be left to historians of a later day to pass a final judgment on the tragic events of 1942. What more directly concerns this Report is the nature of the issue between Mr. Gandhi and the British Government. And about that there can be no reasonable doubt. The issue was not whether India should attain her independence, but only when and how it should be attained. The British Government insisted that a constitutional settlement was a necessary prelude to its abdication, since otherwise there would be no Government commanding the allegiance of the main elements in Indian political life to which its responsibilities, legal and moral, could be finally transferred, and it proposed that all possible steps should be taken to bring about such a constitutional settlement immediately after hostilities had ended. Mr. Gandhi demanded immediate abdication without a prior settlement. The Congress was at once to 'take delivery' of all British authority—both in the government of British India and in the exercise of Paramountcy over the States—in the belief that at least a provisional settlement would be quickly effected, but at the risk, it was admitted, that the other parties concerned might not come to terms with the Congress and that the ultimate upshot might be anarchy or civil war.

In the anxious period that followed the Congress leaders' arrest there

<sup>1</sup> *Legislative Assembly Debates*, vol. iii, no. 2, pp. 143-4. It was also argued that the disorders could not have been promoted by the Congress because they were not 'non-violent'. Against that may be set Mr. Gandhi's admission that his civil disobedience movement might result in rioting and the militant tone of his language on the eve of the outbreak. The Madras Government discovered and published a document drafted by the Andhra Provincial Congress Committee (in which Mr. P. Sitaramayya, a member of the Congress Working Committee, is the leading personality) and secretly circulated to all the District Congress Committees. It was headed with Mr. Gandhi's slogan, 'Do or die!', and it outlined a plan of campaign to be developed in successive stages, the fifth of which was to include the cutting of telephone and telegraph wires, the removal of rails and the demolition of bridges. Other items in the programme were 'to impede the war efforts of the Government' and 'to run parallel Government in competition with the British Government'. (On this last point see pp. 98 and 108-5 above.) *Ibid.*, pp. 148-9; *The Times*, Aug. 29, 1942.

was no sign of any 'second thoughts' among the rank and file. The only recognition of the need for a Hindu-Moslem agreement came, as before, from outside the Congress camp. Mr. Rajagopalachari renewed his appeal for the acceptance of the principle of Pakistan and he had a long discussion with Mr. Jinnah; but, as he had himself confessed, he could not speak for the Congress. Another attempt to negotiate with the Moslem League was made by Dr. Syama Prasad Mookerjee, but he was even less able to speak on that issue for the Mahasabha. The Hindu Press gave little backing to these efforts, and the Hindu platform, now that the chief Congress spokesmen had been muzzled, was mainly occupied by the Mahasabha, which, while it maintained its antagonism to Congress policy, maintained still more fiercely its antagonism to the policy of the League. When its members gathered from all parts of India for the Session at Cawnpore at the end of the year, there was nothing to show that the grievous events of the autumn had tempered in the slightest degree their uncompromising militancy. To judge from Mr. Savarkar's presidential address it had, if anything, been stiffened. Never, indeed, had his language been quite so provocative. The Moslems' duty, he said, was allegiance to the nation. Their rights and responsibilities were the same as those of other minorities, and they would be similarly represented on a democratic basis at the Centre. But the 'outrageous and treacherous' demand for Pakistan would not be tolerated. What nation would hand over its strongest frontiers to 'the very people who have seceded from the central State and who have been cherishing a hereditary desire to dominate the whole State'? There must be no secession, no right of Provincial self-determination. Such claims would be put down as treason by the united strength of the Central Government just as a movement for 'Negrostan' would be punished by the American nation.<sup>1</sup>

A few days earlier, as it happened, Lord Linlithgow had made a speech at Calcutta<sup>2</sup> in which, after expressing the hope that it might be 'still possible for the various parties to come together and co-operate in forming an executive Government', he argued at some length the case for maintaining the unity of India—a real unity, founded on a genuine agreement between her component parts—to enable her to deal successfully with her internal post-war problems and to take her full place in the world at large. Naturally this passage in the speech was warmly welcomed by Mr. Savarkar—just as it was sharply questioned by the organs of the League—but this did not mean that the Mahasabha was any friendlier to the Government than it was to the League. One of its resolutions asserted once again that the existing political deadlock was due 'mainly to the British Government's refusal to take the initiative and transfer power to Indian hands'; and another resolution declared that the Mahasabha was determined, despite its previous repudiation of the Congress' August policy, to resort to 'an active movement to compel Great Britain to recognise India as an independent nation as well as to defend the integrity of India against the Moslems' Pakistan proposal'.<sup>3</sup> But,

<sup>1</sup> *The Times*, Dec. 31, 1942.

<sup>2</sup> *Ibid.*, Dec. 18, 1942.

<sup>3</sup> *Ibid.*, Jan. 5, 1943.

though the Working Committee was authorised to formulate plans for the mobilisation of Hindu resources by April 30, it was not suggested that the 'active movement' was to be necessarily an illegal movement, and at one point in his address Mr. Savarkar had intimated that in his opinion the opportunity for a political settlement was not yet in sight.

Neither party in the war, either Axis or the Allies, have as yet secured any results so decisive as to invest them with an unquestionable superiority. Consequently, the best policy for all nations situated as the Hindus are is to continue to sit on the fence and watch the results, keeping ourselves all the while as well organised, as well informed, and as tactfully ready to take as much advantage as possible from the final results when the war ends.<sup>1</sup>

In another passage of his speech Lord Linlithgow dealt with the charge which has appeared so often on previous pages of this Report and had now been reiterated by the Mahasabha—the charge that all the trouble in India was due to Britain's refusal to part with power.

I would say exactly the contrary. These troubles are due to Britain's expressed readiness to part with power. It is because agreement cannot be reached between the conflicting interests in this country as to who is to take over the responsibilities which Britain is only too ready to transfer to Indian hands that the deadlock has arisen. It is from no reluctance on our part to transfer them.

An impartial study of the facts recorded in this Report—and the author has tried to state them with the objectivity required of him by his calling—confirms the truth of this diagnosis of what constitutes the real crux of the Indian problem. As India, step by step, has advanced towards the goal of full self-government, so, almost automatically, Hindu-Moslem antagonism has increased until, when the end of the road is clearly in sight, it threatens to break the country into pieces. This has engendered a sense of disappointment and frustration in India, and not in India only. Since the last World War, when the freedom of India was more clearly envisaged as the aim of British policy than it had ever been since the days of Macaulay and Munro and Henry Lawrence,<sup>2</sup> the great majority of the British people have wished that aim to be achieved as soon as possible. That was not prompted only by their allegiance to the old liberal tradition, nor only by a dislike of governing other people against their will. One result of that war—as natural a result as the new definition of Britain's Indian policy—was the final evolution of the relations between Britain and the Dominions into a partnership of free and equal nations, attested by the Declaration of 1926 and the Statute of Westminster of 1931. The British peoples took some pride in that. The Commonwealth of Nations, they believed, was a great contribution to the twofold cause of unity and freedom in the world. But its value would be still greater, it was felt, if India, as her leaders of an earlier day

<sup>1</sup> *The Times*, Jan. 15, 1943.

<sup>2</sup> See Part I, 18-20, 52-4.



had hoped, could take her place within it.<sup>1</sup> Would not the voluntary adherence of India to the Commonwealth, linking Asia with Europe and the New World in one free international society, be the happiest possible ending to the story of the British Raj?

There were many who believed that the Act of 1935 would enable Indian statesmen, if they so desired, to achieve that consummation, before many years had passed, by the growth of usage and convention on the 'Colonial Model'.<sup>2</sup> But those hopes were not fulfilled. The Act of 1935 was rejected. It was not its rejection, however, that seemed to show that, for the time being at any rate, the analogy with the Dominions had broken down. (The Act was itself a breach of Colonial precedent since, though representatives of India were fully consulted, it was mainly British work, whereas all the Dominions except New Zealand had framed their own national constitutions.) Where the analogy seemed at the moment to be failing was in the apparent inability of the Indian leaders to agree even on the main principles of their future government. Without reaching such agreement the Dominions could not have obtained their independence. Nor could it have been reached without a readiness to compromise and a process of give and take between all the parties concerned. But it was reached. In 1866 British and French Canadians agreed on a federal system for all British North America, and in 1867 the Dominion of Canada came into being. In 1891 the Australian States tried to reconcile their discordant interests within a looser federal scheme: they failed, but in 1899 they succeeded, and in 1901 the Commonwealth of Australia was established. In 1909 the Dutch-speaking and English-speaking South Africans, though it was only seven years since the close of a long and bitter war, agreed on a unitary constitution, and in 1910 the Union of South Africa was proclaimed. Only in Ireland was agreement unobtainable; and, until it is obtained, Ireland cannot achieve its independence as one nation. But in all those other countries the constitutional settlement was followed by national independence as soon as their peoples wanted it. It was not a question of Britain giving them their freedom. Once they were agreed on how they would use it, it was theirs to take.

Despite that historical lesson the paradox of Indian politics persists. On the one hand the outbreak of a second conflict between tyranny and freedom all the world over has greatly strengthened the desire that India should be free. It has sharpened the eagerness of educated Indians to see their country purged at last of all foreign control and standing on its own footing beside other countries, with a government that is Indian in the same full sense as the government of neighbouring China is Chinese; and it has whetted the impatience of the British people for the coming of India's liberation to prove to their own satisfaction that their purpose and their promises have been fulfilled and to bear witness to a doubting world that the

<sup>1</sup> See Part I, 87. In 1922 Mr. Srinivasa Sastri, one of the foremost Indian statesmen of that time, said: 'The British Commonwealth stands unique in the world for the reconciliation of East and West.' *The Times*, May 15, 1922.

<sup>2</sup> See Part I, chap. iv and pp. 146-7.

imperialism of a bygone age is dead. Yet the stronger grows the desire, the darker seem the prospects of its fruition. It may be, however, that they are not in reality so dark as they appear. For something at least has been gained from the controversy and conflict of the last few years. To understand the nature of a problem is half way to solving it, and the nature of the Indian problem is now clearer than it was. It is no longer a political problem in the wider sense. The relationship between Britain and India has ceased to be the major question, since it has been shown that the final transfer of power presents no insuperable difficulties. The major question now is the relationship between Indians and Indians: and the problem which has always had its constitutional side is now seen to be little else than constitutional. For the issue is simply whether a system or systems of government can be devised under which the different sections and communities of India, Provinces and States, Hindus and Moslems and the rest, can agree to live together. And, though for a time the air may still be rent by the battlecries of party warfare, it is hard to believe that, plainly confronted by that plain issue, the common sense of Indian patriots will not in the end prevail.

## SUMMARY OF PART II

1. The Provincial and other parts of the Act of 1935 came into force in 1936-7, but the establishment of the Federation was delayed by the reluctance of the Princes to acquiesce in the requisite infringements of their sovereignty. Thus, while the Provinces obtained a new measure of autonomy, the Centre remained, apart from one or two minor changes, the old Centre as set up by the Act of 1919.

2. The Act of 1935 was attacked by the two major political parties in India. Both the Congress and the Moslem League repudiated the federal scheme; but, while the League was prepared to work the Provincial constitution 'for what it was worth', the Congress rejected the whole of the Act and decided that, while Congressmen should fight the elections and enter the new legislatures in order to promote the welfare of the Indian masses, they should combat the constitution and seek to end it.

3. The elections were held in the winter of 1936-7 and resulted in decisive Congress majorities in seven Provinces—Madras, the United Provinces, the Central Provinces, Bihar, Orissa, the North-West Frontier Province, and (in conjunction with one or two pro-Congress groups) Bombay. When the Congress leaders were invited to form Ministries, they declined to do so unless the Governors would undertake not to use the 'safeguards'. Minority Ministries were accordingly installed; but, as a result of further discussion from which it appeared that a breach between a Governor and his Ministers was likely to occur only on a major issue, these interim Ministries were replaced, in July 1937, by Congress Ministries which remained in office till they resigned in October and November 1939. A coalition Ministry under a Congress Premier, established in Assam at the end of 1938, also resigned at that time. In those Provinces responsible Government was thereupon suspended and the administration taken over by the Governors under Section 93 of the Act of 1935.

4. In Bengal, the Punjab and Sind non-Congress Ministries took office in April 1937, and were still in power at the end of 1942. Up to the end of 1938 and from the autumn of 1939 onwards, except for a period of 'Governor's rule' in the first half of 1941, a non-Congress Ministry also held office in Assam and, after November 1941, in Orissa.

5. In all these non-Congress Provinces responsible government has operated more or less in accordance with the intentions of the Act of 1935. The responsibility of Ministers to their legislatures has not been weakened by the operation of the 'safeguards'. Only three times has a Governor taken open action against or without his Ministers' advice. In Assam and Sind, owing to party intrigues in the legislatures, the Ministries have always been unstable and have frequently changed. The strongest Ministry has been that of the Punjab which, though the Hindus and the Sikhs have been represented in it, has rested mainly on the support of the predominantly Moslem Unionist Party. In Bengal the strength of the Ministry has been determined by the extent to which the Moslem majority in the Province has been united in support of it. Thus, though intercommunal coalitions in form, these Governments have been regarded by their opponents as communal Governments, and party divisions have continued to operate on communal lines.

6. The new constitution has worked best in Bengal and the Punjab. Their legislatures have enacted a number of useful measures, and in the field of administration their Governments have stood their sternest test, the maintenance of law and order. But communal tension has steadily increased and there have been several serious outbreaks of Hindu-Moslem strife. The record of Assam and Sind both in legislation and in firm administration has been poorer. It is too soon to assess the achievement of the non-Congress Government in Orissa.

7. The character of the government of the Congress Provinces was different

from that of the others. The Indian National Congress is not a political party in the ordinary sense. It is a revolutionary organisation pledged to obtain the complete independence of India and to that end to destroy the existing constitution and to frame a new one by means of a democratic Constituent Assembly. Its policy is 'unitary' in that it insists on the indivisibility of India and keeps all its members under the strict control of its Central 'high command', i.e., the Working Committee, nominated by the President. It is also 'totalitarian', since the Congress, though dominated by Mr. Gandhi and other members of the Hindu intelligentsia, claims to represent all communities and classes and to be the only authentic embodiment of Indian nationalism. The effect of this on Congress Provincial government was twofold. (i) The Provincial autonomy intended by the Act was negated, since the Congress Ministries were closely supervised and controlled by the 'high command'. (ii) The Congress Governments were 'pure' Congress. Coalitions with minority parties were banned.

8. The Congress Governments were handicapped at the outset by their lack of experience in administration, by their ideological preconceptions, and by the tendency of their party committees and of individual Congressmen to act as if they were part of the Government; but by the end of their twenty-eight months' period of office most of the leaders had learned, and had taught the rank and file, how the machine of government should be worked. In the field of law and order, in which the most disquieting feature was the grave increase of communal antagonism, they had recognised the necessity of firmly repressing disorder. In the field of social policy they had put into effect a substantial part of their electoral programme. In particular they had carried drastic measures of agrarian reform, had begun to apply the policy of complete Prohibition, and had initiated important developments in education. Their financial policy, like that of the non-Congress Governments, was orthodox while they were in office, but they evaded the problem of the future cost of Prohibition and extended social services. There was only one open dispute over the 'safeguards'. Realising that the self-government bestowed on them did in fact enable them to do much to promote the welfare of the people and anxious to do more, the Congress Ministers allowed the policy of 'combating' the constitution to fall into the background, and many of them were known to have obeyed with reluctance the 'high command's' order to resign in October 1939. The fact that the Congress, after so many years of barren opposition, had accepted the responsibilities of office and become a constructive force in Indian politics had been generally welcomed; and, except in Moslem and some other minority circles, it was generally regretted that the work the Congress Governments were doing for the people of the Provinces should have been interrupted for reasons which had little directly to do with them.

9. On the morrow of their victory at the polls the Congress 'high command' had determined to strengthen their position throughout India in two ways—by forcing the pace of constitutional advance in the States and by absorbing minority parties, especially the Moslem League, into the Congress organisation. As to the States, the previous policy of abstaining from direct interference was abandoned, and a large-scale agitation was set on foot which reached its peak in the winter of 1938-9. Some success was obtained: in a number of States steps were taken along the path which had led to full responsible government in British India. On the other hand, the Congress assault tended to confirm the Princes' hesitation to be linked with British India in a federation, and the prospect of a more democratic régime had stimulated, as in British India, the growth of communal discord.

10. The Congress attempt to absorb the Moslem League not only failed: it produced a strong reaction. Under Mr. Jinnah's leadership the League launched a vigorous campaign against the Congress Governments as the agents of a purely Hindu Raj to which the Moslem minorities would be permanently subjected. Its organisation in rural areas was greatly extended; it won a growing number

of by-elections; and it conducted inquiries into the so-called 'atrocities' perpetrated against Moslems under Hindu rule. Finally Mr. Jinnah declared that democracy based on 'majority-rule' could not work in India, and, when the Congress Government resigned, he ordered the observance of a 'day of deliverance' and said they must never come back.

11. The Moslem reaction was not confined to the Provincial field. The League now preached the doctrine that the Moslems of India were not a minority community but a separate nation, repudiated the goal of federation, and finally, in the spring of 1940, committed itself to the policy of 'Pakistan', i.e., that the areas in north-west and north-east India in which Moslems were in a majority should become separate sovereign States.

12. This widening of the communal gulf was accompanied by a marked increase of rioting and bloodshed. It was generally agreed that Hindu-Moslem hostility had never been so bitter and that, if the Congress Governments had lasted longer, disorders would have broken out on an unprecedented scale.

13. Since the Central Government was still responsible only to the Secretary of State and Parliament, the proclamation of war by the Viceroy (Lord Linlithgow) was not subject to the prior assent of the Central legislature; but, in the absence of their Congress members, both Houses accepted it without question and passed with little opposition the emergency legislation required for the war. The Governments and legislatures of the non-Congress Provinces similarly accepted the proclamation and thenceforward took their full part in the war-effort. The Princes promptly pledged the resources of 'Indian India' to the common cause. As time went on, the scope of India's share in the war steadily increased. The Indian Army, which was engaged from the outset in Africa and the East, was expanded by voluntary recruitment to a strength of over one million by 1942. There was a similar great increase in the production of munitions and other war-supplies. Nor must the contributions of countless private individuals in money or in work, nor the loyal service of innumerable Indian officials, be omitted from an estimate of India's war-effort.

14. But the largest and most powerful political organisation in India has taken no part in it. Some time before 1939 the Congress leaders had declared that India must not be entangled in an 'imperialist war', and on the eve of the outbreak they had ordered the Congress members of the Central legislature to boycott the next session as a protest against the precautionary dispatch of Indian troops to Aden and Singapore. When war was proclaimed, while denouncing Nazi aggression, they asserted that India had been dragged into the war without her consent and could not fight for freedom unless she herself were free, and insisted that India must be declared 'an independent nation' and accorded the largest possible measure of actual independence at once. To these demands the Viceroy, after interviewing all the leading politicians of all parties, replied by re-affirming the pledge of Dominion Status as the aim of British policy in India, undertaking that the Act of 1935 should be reconsidered after the war in the light of Indian opinion, and proposing to establish in the meantime a consultative defence council representing the States and all parties in British India. The Congress 'high command' denounced this statement as a 'reiteration of the old imperialist policy', and, declaring that in view of it the Congress could not support Britain in the war, ordered the resignation of the Congress Provincial Governments as a first step in non-co-operation.

15. None of the other chief political parties followed the Congress lead. The Hindu Liberals and the Hindu Mahasabha maintained that India should support the democratic cause without bargaining. The Moslem League, while not repudiating the Viceroy's statement, intimated that its future policy would be determined by the extent to which it was assured of the Government's intention to safeguard the rights of the minorities.

16. The pattern which Indian party politics thus assumed at the beginning of the war was destined to remain unchanged in its main lines by subsequent developments. There were two periods at which it seemed possible that Congress aloofness from the war-effort might be overcome—the period of the *blitzkrieg* in Europe in 1940 and the period of the Japanese advance on India in 1941. But on both occasions the ultimate outcome was an intensification of Congress hostility to the British Government. Nor was Hindu-Moslem antagonism softened by the prospect of a German victory or of a Japanese invasion.

17. In June and July 1940 the Congress leaders affirmed that the Congress would be willing to take part in organising the defence of India if her independence were immediately declared and a National Government established at the Centre commanding the confidence of the Central legislature. This involved a temporary break with Mr. Gandhi who consistently upheld his doctrine that defence must be wholly non-violent.

18. A few weeks later the British Government made their so-called 'August Offer'. Its main points were as follows. (i) Indian self-government implied inter-communal agreement, since the British Government could not transfer full power to an Indian Government whose authority was denied by any powerful section of Indian opinion. (ii) For the framing of a new constitution after the war Indians (and not, as in the past, the British Parliament) should be primarily responsible. (iii) Meantime it was hoped that all parties would co-operate in the war-effort and thus pave the way for India's attainment of free and equal partnership in the British Commonwealth.

19. The Congress 'high command' rejected these proposals and reverted to the leadership of Mr. Gandhi who, after vainly soliciting permission to preach openly against participation in the war-effort, launched a non-violent civil disobedience movement (*satyagraha*) under his personal control. Numbers of Congressmen were arrested and sentenced to short terms of imprisonment, but the movement excited little public interest, and by the end of 1941, when the Congressmen still in prison were released, it had practically petered out.

20. In July 1941 the Advisory National Defence Council was appointed, and at the same time the Central Executive Council was enlarged. It had previously had seven members besides the Viceroy, four of whom were British and three Indian. Now it had twelve members besides the Viceroy, eight of whom were Indian and four British. But the hope that Indian party leaders might be appointed had been frustrated by the Viceroy's failure to secure an inter-party agreement. Not only had the Congress gone into open opposition, but Mr. Jinnah, applying the 'two-nations' principle, had insisted that at least half the seats on the Council should be allocated to the League and that nothing should be done to prejudice the position of the Moslems with regard to the post-war settlement. The two other main parties—the Liberals and the Mahasabha—asked for a National Government, manned wholly by Indians and freed from control by the Secretary of State and the India Office; but the Liberals made no practical contribution towards bringing about a Hindu-Moslem agreement, while the Mahasabha widened the breach by insisting in provocative terms on the Moslems' acceptance of a minority status in an undivided Hindustan.

21. The Japanese advance towards the Indian frontier in the spring of 1942 effected little change in the attitude of the Indian politicians. The Congress leaders refused to modify their previous demands. Only Mr. Rajagopalachari, ex-Premier of Madras, advocated an agreement with the League as the prerequisite of a National Government. The League, for its part, reiterated its claim for Pakistan as the only acceptable solution of the constitutional problem. In these circumstances Sir Stafford Cripps, Lord Privy Seal and a member of the British War Cabinet, flew out to India in March to discuss with the party leaders a new Draft Declaration of British policy. Its main points were as follows.

(i) The British Government proposed that steps should be taken to create a new Indian Union with the full status of a Dominion and freedom to secede from the British Commonwealth if it chose. (ii) On the cessation of hostilities a constitution-making body would be set up, representing both the Provinces and the States, and the British Government undertook to accept and implement the constitution framed by it provided (a) that any Province or Provinces, which were not prepared to accept the new constitution, should be entitled to form a separate Union and that the States should be similarly free to adhere to the new constitution or not, and (b) that a treaty should be negotiated between the British Government and the constitution-making body to cover all matters arising out of the complete transfer of authority from British to Indian hands. (iii) In the meantime the British Government must retain control of the defence of India 'as part of their world war-effort', but the task of organising the full military, moral and material resources of India would be the responsibility of the Indian Government in which it was hoped once more that the party leaders would join.

22. After a fortnight's discussion Sir Stafford Cripps' negotiations with the party leaders broke down. All parties rejected the British proposals for post-war constitution-making, but for different reasons. The Congress' main objection was that under the non-adherence clauses Pakistan was a possibility, the League's that it was only a possibility and not a certainty. But the breakdown of the negotiations was not due to disagreement as to the post-war constitution, on which it was generally accepted that discussion might be postponed, but to disagreement as to the character of the National Government which it had been hoped might be formed at once. The Congress leaders insisted that, while the British Commander-in-Chief would be left in control of military operations, in all other respects the Government must be 'a Cabinet Government with full power'. Sir Stafford Cripps rejected this demand because (a) it would involve a major constitutional change in the middle of the war—and he had explicitly ruled this out from the outset of the discussions—and (b) it would involve a majority dictatorship to which none of the minorities would consent.

23. There was widespread disappointment at the failure of the Cripps Mission, and the political situation rapidly deteriorated. While Mr. Jinnah denounced the Congress for attempting to establish a 'Congress Raj', the Congress repudiated Mr. Rajagopalachari's attempt to come to terms with the League and he was compelled to resign from the party. Meantime the 'high command', over which Mr. Gandhi's mastery was now again undisputed, demanded the immediate abdication of all British authority in India. Mr. Gandhi at first proposed that the British and American troops should also be evacuated, but later he agreed to their remaining in India with the consent of a free Indian Government. This Government would be formed by agreement between the parties as soon as the existing Government had surrendered its powers to the Congress. If these proposals were not accepted, a mass civil disobedience movement would be launched under Mr. Gandhi's leadership. This would, he said, be 'open rebellion'.

24. On August 8 the proposals were confirmed by the All-India Congress Committee, and next day, on the unanimous decision of the Central Government (which had again been enlarged in July and now contained, besides the Viceroy, three British officials, one British non-official and eleven Indians), Mr. Gandhi and other Congress leaders were arrested and the Congress organisation banned throughout most of British India. A few days later disorder broke out on a serious scale, but it was limited in area and confined to Congressmen, revolutionary extremists and hooligans. All the other parties condemned the 'rebellion' and held aloof from it. Its effect was gravest in Bihar and the eastern part of the United Provinces where the communications of the forces defending the frontiers of Bengal and Assam were completely interrupted for some time. By the end of September the worst of the outbreak was over, but sporadic disturbances continued.

25. The issue between the British Government and Mr. Gandhi was not the attainment of India's independence but the time and method in which it should be attained. The British Government held that a constitutional settlement was a necessary prelude to its abdication since otherwise there would be no Indian Government commanding the allegiance of India as a whole to which it could transfer its powers and obligations, and it proposed that everything possible should be done to bring about such a settlement immediately after the war. Mr. Gandhi demanded immediate abdication without a prior settlement. When British authority both in British India and over the States had been surrendered to the Congress, it would set about establishing a provisional Government by agreement with the other parties.



## APPENDIX I

### THE CONSTITUTION OF THE INDIAN NATIONAL CONGRESS

(As amended by the Bombay Meeting of the All-India Congress Committee in June 1939).\*

#### *Article I—Object.*

The object of the Indian National Congress is the attainment by the people of India of *Purna Swaraj* (Complete Independence) by all legitimate and peaceful means.

#### *Article II—Constituents.*

The Indian National Congress will comprise :—

- (1) Primary members enrolled under Article III;
- (2) Village, Ward, Town, Taluka, Thana, Mandal, Tahsil, Subdivision, District, or other local Committees;
- (3) Provincial Congress Committees;
- (4) Annual Session of the Congress;
- (5) All-India Congress Committee;
- (6) Working Committee; and may comprise (a) committees or associations directly organised by the All-India Congress Committee or the Working Committee, and (b) committees organised by any provincial Congress Committee in accordance with the rules framed by it in that behalf and approved by the Working Committee.

#### *Article III—Membership.*

(a) Any person of the age of 18 years and over who believes in Article I shall, on making a written declaration to that effect attested by a witness and presenting an application in Form A annexed hereto and on payment of four annas, become a primary member of the Congress and be entitled to be placed on the register of Congress members kept at any office duly authorised in that behalf within the district in which he ordinarily resides or carries on business:

Provided that no person shall be a primary member of more than one committee at the same time.

(b) The application shall be handed in personally or sent by post or messenger.

(c) It shall state the full name, father's name, or in case of a married woman husband's name, age, sex and occupation of the applicant, as also the village, the Taluka, the district and the province in which he ordinarily resides or carries on business.

(d) The official receiving the application shall note on it the date of receipt, serial number and such other particular as may be prescribed and shall send it to the office of the District Congress Committee concerned for record.

(e) The applicant, on being enrolled, shall receive certificate of membership as per Form C, annexed hereto, either in the language and script of the province in which he resides or in the Hindustani language written in Devanagiri or the Urdu script.

(f) Unless otherwise directed by the Working Committee the year for the membership fee shall be reckoned from January 1 to December 31 and there shall be no reduction in the subscription to be paid by members joining in the course of the year.

*Article IV—Renewal of Membership.*

(a) A member of the Congress enrolled as per Article III shall continue to be a member of the Congress until he resigns or is expelled therefrom, provided he renews his application and pays on or before the 31st of August of every subsequent year the annual membership fee of four annas and obtains a certificate of membership. The application for renewal shall contain the name, the father's name or in case of a married woman husband's name and the place of residence of the applicant in the prescribed Form B. The official receiving such application for renewal and subscription shall make a note to that effect in the Register of members.

(b) The name of any member failing to make the application and to pay the annual membership fee within the prescribed time shall be removed from the Register of members.

*Article V—Membership Register.*

Every district Congress Committee shall maintain a permanent Register of members enrolled for each constituency within the district showing the names and particulars required by Article III (c) in which shall be noted from year to year the fact whether a renewal application has been made or not and the membership fee paid or not.

*Article VI—Provinces.*

(a) The following shall be the provinces with the headquarters mentioned against them :

<i>Province</i>	<i>Language</i>	<i>Headquarters</i>
(1) Ajmer-Merwara	Hindustani	Ajmer
(2) Andhra	Telugu	Madras
(3) Assam	Assamese	Gauhati
(4) Behar	Hindustani	Patna
(5) Bengal	Bengali	Calcutta
(6) Bombay (City)	Marathi and Gujrati	Bombay
(7) Delhi	Hindustani	Delhi
(8) Gujerat	Gujrati	Ahmedabad
(9) Karnatak	Kannada	Dharwar
(10) Kerala	Malayalam	Calicut
(11) Mahakoshal	Hindustani	Jubbulpore
(12) Maharashtra	Marathi	Poona
(13) Nagpur	Marathi	Nagpur
(14) N.W.F. Province	Pushtu	Peshawar
(15) Punjab	Panjabi	Lahore
(16) Sind	Sindhi	Karachi
(17) Tamil Nadu	Tamil	Madras
(18) United Provinces	Hindustani	Lucknow
(19) Utkal	Oriya	Cuttack
(20) Vidharbha (Berar)	Marathi	Akola

(b) A provincial Congress Committee with the previous sanction of the Working Committee shall have the power to change its headquarters from time to time.

(c) The Working Committee may, after ascertaining the wishes of the Provincial Congress or committees concerned, constitute a new province or assign to a province a district or portions of a district from another province as also assign an Indian State or States or parts thereof, to any province.

*Article VII—Qualifications.*

(a) No member shall be entitled to exercise his vote at any election unless he has been continuously on a Congress register for 12 months prior to the date of the election and only on production of a certificate of membership :

Provided however that in the case of elections to the newly formed primary

Congress Committee, a member shall be entitled to vote, even if he has been a member only for three months, for the election of the committee's office-bearers.

*Note.*—The condition of 12 months' continuous membership will not apply to voters in the current year, i.e. 1939. To them will apply the old condition of three months' continuous membership prior to the date of the elections.

(b) No member even if he is qualified under clause (a) hereof, shall be eligible for election to an office of any primary committee or to membership of any elective committee, unless he is a habitual wearer wholly of handspun and handwoven Khaddar, provided that at the time of offering himself for such elections he is not a member of any parallel committee;

(c) No member even if he is qualified under clauses (a) and (b) shall be eligible as a delegate to the Congress or as a member of a Provincial or a District Congress Committee, unless he has been a member of the Congress for three consecutive years at the time of the election, provided that at the time of offering himself for such election he is not a member of any other parallel committee:

Provided further that it shall be open to the Executive of the Provincial Congress Committee to grant an exemption in favour of any person regarding the aforesaid qualification for elections in 1939 and 1940.

(d) No person who is a member of a communal organisation, the object or programme of which involves political activities which are in the opinion of the Working Committee, anti-national and in conflict with those of the Congress shall be eligible for election to any office or membership of any elective Congress Committee.

#### *Article VIII—Election Tribunals.*

(a) The Executive of the Provincial Congress Committee shall unanimously or by a majority of at least three-fourths of its members, appoint yearly a Provincial Election Tribunal, no member of which shall stand as a candidate for election as a delegate or to any office or membership of an elective Congress Committee in the province, during the term of his office. The Provincial Election Tribunal shall appoint one or more persons to constitute a District Tribunal in each district, to receive and decide disputes relating to enrolment of members, preparation or maintenance of register of members and election of delegates and office-bearers and members of elective committees, provided that no person so appointed shall be a candidate for election during his term of office:

Provided that it shall not be necessary to appoint a District Tribunal in the provinces of Bombay, Delhi and Ajmer-Merwara and provided further that if there is no District Tribunal appointed in any other province for any reason whatsoever, objections will be filed before and disposed of, by the Provincial Election Tribunal.

(b) If any provincial executive fails to appoint, by a date specified by the Working Committee, the Provincial Election Tribunal, the Working Committee shall appoint one.

(c) No person who is a dealer in Foreign cloth or British goods or who carries on trade in liquor or who is addicted to drink shall be eligible for election to an executive office or elective committee of the Congress.

#### *Article IX—Objections to the Rolls.*

(a) The Register of members shall be brought up-to-date on or before the 15th of September every year and shall be open to inspection by any member of the Congress at the office where it is kept from 16th to 28th September.

(b) Any person whose name is omitted from the Register of members, or who objects to the entry of any name therein, may submit an objection in writing, stating the reasons for challenging such entry or omission to the District Tribunal, on or before the 30th September.

(c) The District Tribunal, after hearing the objection and any other party concerned, may direct any name to be entered into or omitted from the Register as the case may be, on or before the 10th October.

(d) The District Tribunal shall maintain a record of all proceedings before it and a copy of its order directing any amendment in the Register shall be forwarded by it to the District Congress Committee concerned and the District Congress Committee shall amend the Register where required in accordance therewith. The Register, after such amendment if any, shall be final, except for any change rendered necessary by disciplinary action taken against any member by a competent authority.

*Article X—Election of Delegates.*

(a) Every Provincial Congress Committee shall prepare a roll of its primary members qualified to vote and shall send to the A.I.C.C. Office a statement in regard to it, on or before a date fixed by the Working Committee. This statement shall be in the form prescribed by the A.I.C.C. Office and shall give separately the number of urban and rural members in each district.

(b) Members included in the said roll shall alone be entitled to vote at the election of delegates in that province.

(c) In the event of a Provincial Congress Committee failing to furnish the statement in time, the province concerned may be disentitled to elect its delegates.

(d) On receipt of the aforesaid statement, the Working Committee shall fix the date by which the election of delegates must be held.

(e) Provincial Committees shall divide the Province into fixed territorial constituencies.

(f) Every province shall be entitled to return a number of delegates at the rate of one delegate for every one lac of the inhabitants of such province including the Indian States or agencies therein, or a fraction thereof, in accordance with the last Census.

*Proviso 1.*—Bombay (City) shall have a maximum quota of 25 delegates, and the province of Delhi shall have a maximum quota of 15 delegates.

(g) (i) Each district shall be entitled to elect not more than one delegate, for each lac of its population provided that for every delegate to be elected, there are not less than 500 primary members enrolled during the year.

(ii) The number of delegates remaining unallotted to the constituencies on account of the inclusion of the population of Indian States in any Province, shall be distributed by the executive of the P.C.C. concerned, in such manner as in its opinion would meet the requirements of the case, subject to the rule of minimum enrolment of 500 primary members for each delegate.

(h) The province which has not completed its election on or before the date appointed by the Working Committee, may at the discretion of the Working Committee be disentitled to be represented at the Annual Session.

(i) A certified list of delegates shall be submitted by the Provincial Congress Committee, not later than the date fixed by the Working Committee in that behalf.

(j) Every delegate so elected shall, on payment of a fee of Rs. 5 at the office of the Provincial Congress Committee of his province, receive a certificate in accordance with Form D hereto annexed, duly signed by one of its Secretaries. No delegate who has not paid the fee, shall be entitled to exercise any of his functions.

*Article XI—Election Disputes.*

(a) It will be open to any member of the Congress within a constituency to lodge a complaint about an election within the constituency before the District Tribunal within seven days of the declaration of the result of such election and the District Tribunal shall decide the complaint.

(b) Until the election is set aside by the District Tribunal the person elected shall be deemed to have been duly elected.

(c) An appeal shall lie to the Provincial Election Tribunal against any order passed by the District Tribunal within seven days of the passing of such order. The order of Provincial Election Tribunal shall be final.

(d) The Working Committee may lay down rules for the conduct of elections and lodging and disposal of objections and complaints and appeals.

(e) The Provincial Tribunal shall on its own motion or on report by a District Tribunal, have the power to direct that any person found guilty of misconduct in connexion with enrolment of members, maintenance of register of members, election or lodging of a false objection or complaint, knowing it to be so, shall be disqualified from standing as a candidate for election or be expelled from the Congress for such period as it may consider just and proper. An appeal shall lie to the Working Committee from any order passed by the Provincial Election Tribunal under this clause.

#### *Article XII—A.I.C.C. Elections.*

(a) The delegates in every province shall assemble in a meeting to elect from among themselves one-eighth of their number, as representatives of the province, on the All-India Congress Committee; provided that no Province shall have less than five representatives on the All-India Congress Committee, except Delhi which shall have four.

(b) The election in Sub-clause (a) shall be by proportional representation by single transferable vote.

(c) The Secretaries of the respective Provincial Congress Committees shall issue certificates of membership of the All-India Congress Committee to the persons elected to it.

#### *Article XIII—Provincial Congress Committees.*

(a) The Provincial Congress Committee in each province shall consist of the delegates from the province. In case the number of such delegates is less than 30, any number required to make the number of members of the Provincial Congress Committee 30, will be elected in such manner as the constitution of the province may determine, provided that in the case of Sind and Nagpur the number may be increased by the P.C.O. to not more than 50 and in the case of Vidharbha 45 and Delhi 40. In addition to these, the President and ex-Presidents of the Congress, resident in the province and duly qualified under Articles III and VII, shall also be members of the Provincial Congress Committees.

(b) Every Provincial Congress Committee shall,

(i) subject to the general control and supervision of the All-India Congress Committee, be in charge of the affairs of the Congress within its own province and to that end frame rules not inconsistent with this constitution, which rules shall come into operation only with the previous sanction of the Working Committee;

(ii) submit an annual report of the Congress organisation and the work in the province to the Working Committee not later than one month before the commencement of the Annual Session;

(iii) before the new All-India Congress Committee meets as Subjects Committee under Article XVI, pay to the Working Committee the fees received from the delegates. Any other subscription that may be fixed by the latter, having regard to the population, membership and financial capacity of the province, shall be paid not later than the end of June every year. Delegates and members of the All-India Congress Committee from provinces in default shall not be permitted to take part in any of the proceedings of the Congress or any Committee thereof.

(c) (i) No Provincial Congress Committee and no subordinate committee shall

be recognised by the Working Committee unless it has complied with the conditions laid down in this constitution or any rules framed thereunder by the Working Committee.

(ii) On failure on the part of any Provincial Congress Committee to function in terms of the constitution, the Working Committee may form one, to carry on Congress work in that province.

*Article XIV—Annual Session.*

(a) The Annual Session of the Congress shall be held at the time and place decided upon at the preceding Session. The A.I.C.C. or the Working Committee may, however, for sufficient reason change either the venue or the date or both of the Session.

(b) The Annual Session shall consist of—

(i) the President of the Congress;

(ii) the ex-Presidents of the Congress, provided they are duly qualified under Articles III and VII;

(iii) the delegates elected under Article X.

(c) The Provincial Congress Committee concerned shall make such arrangements for holding the Annual Session as may be deemed necessary, and for this purpose shall form a Reception Committee, and may include therein persons who are not its members.

(d) The Reception Committee shall collect funds for the expenses of the Session, make all necessary arrangements for the reception and accommodation of delegates and visitors and for the printing of the report of the proceedings of the Session.

(e) The receipts and disbursements of the Reception Committee shall be audited by an auditor or auditors appointed by the provincial Congress Committee concerned, and the statement of accounts together with the auditors' report shall be submitted by the Provincial Congress Committee to the Working Committee, not later than three months after the termination of the Annual Session. Any surplus funds remaining with the Reception Committee shall be divided equally between the All-India Congress Committee and the Provincial Congress Committee.

(f) The Reception Committee shall elect its Chairman and other office-bearers from amongst its own members.

*Article XV—Election of President.*

(a) Any ten delegates may jointly send the name of any delegate or ex-President of the Congress duly qualified under Articles III and VII, whom they propose to be elected President of the next annual session of the Congress, so as to reach the General Secretary of the All-India Congress Committee on or before a date to be fixed by the Working Committee.

(b) The General Secretary will publish the names of all persons so proposed and it will be open to any person whose name has been so proposed, to withdraw his candidature by informing the General Secretary of his intention to do so, within 10 days of the publication of the proposed names.

(c) After eliminating the name of any person who has withdrawn, the General Secretary shall publish the names of the remaining candidates and circulate them to the Provincial Congress Committees.

(d) On a date fixed by the Working Committee, each delegate in a province shall be entitled to record his vote in favour of one of the candidates for the Presidentship of the Congress, at a place to be fixed by the Provincial Congress Committee.

(e) The Provincial Congress Committee shall report to the All-India Congress Committee Office the number of valid votes recorded in favour of each candidate.

(f) As soon as may be after the receipt of the report the General Secretary shall

announce as President-elect the name of the candidate obtaining the largest number of votes, provided that such candidate has secured not less than 50 per cent. of the votes polled.

(g) In case he does not get the requisite number of votes the delegates in each province shall, on a date fixed by the General Secretary, elect one out of the two persons getting the highest number of votes at the previous election and the General Secretary shall on receipt of the report from the Provincial Congress Committees of the number of votes recorded at the second election, declare the person getting the higher number of votes as the duly elected President of the Congress.

(h) In the event of an emergency arising by reason of any cause such as death or resignation of the President elected as above, the General Secretary shall forthwith fix a date for a fresh election by the delegates as prescribed above. In case such procedure is found not possible, the All-India Congress Committee shall elect the President.

#### *Article XVI—Subjects Committee.*

(a) The New All-India Congress Committee shall meet as subjects committee, under the President-elect at least two days before the Annual Session. The outgoing Working Committee presided over by the President-elect, shall submit to it the draft programme of the work for the session including resolutions recommended by the different Provincial Congress Committees.

(b) The Subjects Committee shall proceed to discuss the programme and shall frame resolutions for being moved in the open session. At least one day shall be allotted for the consideration of propositions of which due notice has been given by the Provincial Congress Committees or members of the All-India Congress Committee, other than Resolutions recommended by the Working Committee, in accordance with the rules prescribed in that behalf.

#### *Article XVII—Congress Session:*

At each sitting of the Congress, the order in which business shall be transacted shall be as follows:

- (i) The resolutions recommended for adoption by the Subjects Committee.
- (ii) Any substantive motion not included in (i) and which 25 delegates request the President in writing, before the commencement of the day's sitting, to be allowed to place before the Congress; provided, however, that no such motion shall be allowed unless it has been previously discussed at a meeting of the Subjects Committee and has received the support of at least a third of the members then present.

#### *Article XVIII—Special Session.*

(a) The Working Committee may upon its own motion, or shall upon a joint requisition addressed to it, as provided in Article XIX (e), convene a meeting of the All-India Congress Committee for considering a resolution for holding a Special Session. Such resolution shall be effective if passed by the two-thirds majority of the members present. Thereupon the Working Committee shall summon a Special Session of the Congress, at such time and place as it shall determine and the Articles of the Constitution shall apply with such modification as the Working Committee may consider necessary, provided that the delegates of the preceding session shall be the delegates for such Special Session.

(b) The President of a Special Session shall be elected by the delegates in the manner prescribed in Article XV.

#### *Article XIX—All-India Congress Committee.*

(a) The President of the Annual Session, members of the All-India Congress Committee, elected under Article XII and the ex-Presidents of the Congress,

provided they are qualified under Articles III and VII, and the Treasurer of the Congress shall constitute the All-India Congress Committee.

(b) The All-India Congress Committee shall carry out the programme of work laid down by the Congress from session to session and deal with all new matters that may arise during its term of office.

(c) The All-India Congress Committee shall have the power to frame rules, not inconsistent with this Constitution, for regulating all matters connected with the Congress.

(d) The President of the Annual Session shall be the Chairman of the All-India Congress Committee.

(e) The All-India Congress Committee shall meet as often as required by the Working Committee, or on a joint requisition addressed to the Working Committee, by not less than 24 members. Such requisition shall specify the purpose for which the requisitionists desire a meeting of the All-India Congress Committee. At such meeting additional items of business may be brought up for consideration, provided due notice thereof has been given to the members. At least one full day shall be allotted for the consideration of propositions of which due notice has been given by members of the A.I.C.C. in accordance with the rules prescribed in that behalf.

(f) Forty or one-third of the total number of members, whichever is less, shall form the quorum.

(g) The All-India Congress Committee shall hold office till the meeting of the new All-India Congress Committee immediately before the next Annual Session.

(h) The All-India Congress Committee may from time to time affiliate to the Congress such organisations as it may deem necessary, provided such organisations are calculated to further or assist the object of the Congress.

(i) Every member of the All-India Congress Committee, *ex-officio* or elected, shall pay an annual subscription of Rs. 10 payable at or before the first meeting of the All-India Congress Committee. Members in default will not be permitted to take part in any meeting of the All-India Congress Committee, the Subjects Committee, or in any Session.

#### Article XX—Working Committee.

(a) The Working Committee shall consist of the President of the Congress, thirteen members including not more than three General Secretaries appointed by the President from amongst the members of the All-India Congress Committee, and a Treasurer appointed by him from amongst the delegates.

(b) The Working Committee shall be the executive authority and as such shall have the power to carry into effect the policy and programme laid down by the All-India Congress Committee and the Congress, and shall remain responsible thereto.

(c) The Working Committee shall place before every meeting of the All-India Congress Committee, the reports of its proceedings and the agenda of the meeting and shall assign at least one clear day for resolutions of which due notice may have been given by the members of the All-India Congress Committee, other than those of the Working Committee, in accordance with the rules prescribed in that behalf.

(d) The Working Committee shall appoint one or more inspectors to examine the records, papers and account books of all Congress organisations, which shall furnish all information and give to the inspectors access to all offices and records.

(e) The Working Committee shall have the power:

(i) To frame rules and issue instructions for the proper working of the Constitution and in all matters not otherwise provided for,

(ii) To superintend, direct and control all Congress Committees,

(iii) To take such disciplinary action as it may deem fit against a committee or individual for misconduct, wilful neglect or default.



(f) The Working Committee shall pay to the Provincial Congress Committee convening the Annual Session, one-fifth of the fees recovered from the delegates, within a fortnight of the termination of the session.

(g) The Working Committee shall take steps to have a regular audit of the accounts of the Provincial Congress Committees.

#### *Article XXI—Funds.*

The Treasurer shall be in charge of the funds of the Congress and shall keep proper accounts of all investments, income and expenditure.

#### *Article XXII—General Secretaries.*

(a) The General Secretaries shall be in the office of the All-India Congress Committee and the Working Committee.

(b) The General Secretaries shall be responsible for the publication of the report of the proceedings of the Annual or Special Session in co-operation with the Provincial Committee concerned. Such report shall be published as soon as possible and not later than four months after the Session.

(c) The General Secretaries shall prepare the report of the work of the All-India Congress Committee and the Working Committee during their period of office and submit it, with a full account of the funds which may have come into their hands, to the meeting of the All-India Congress Committee immediately before the Annual Session.

#### *Article XXIII—Vacancies.*

The office of a delegate or a member of the All-India Congress Committee or a Provincial Congress Committee shall be vacated by resignation, death or prolonged absence from India and such vacancy shall be filled by the Provincial Congress Committee concerned in the same manner in which the vacating member was chosen. A vacancy on the Working Committee shall be filled by the President.

#### *Article XXIV—Fractions.*

Where there is a question of considering the value of fractions, a fraction of one-half or more shall be treated as one, and less than one-half as zero.

#### *Article XXV—Language.*

(a) The proceedings of the Congress, the All-India Congress Committee and the Working Committee shall ordinarily be conducted in Hindustani. The English language or any provincial language may be used if the speaker is unable to speak Hindustani or whenever permitted by the President.

(b) The proceedings of the Provincial Congress Committee shall ordinarily be conducted in the language of the province concerned, Hindustani may also be used.

## APPENDIX II

### BANDE MATARAM

An English translation by Sri Aurobindo Ghose

1

MOTHER, I bow to thee!  
 Rich with thy hurrying streams,  
 Bright with thy orchard gleams,  
 Cool with the winds of delight,  
 Dark fields waving, Mother of might,  
 Mother free.

## 2

Glory of moonlight dreams,  
 Over thy branches and lordly streams,  
 Glad in thy blossoming trees,  
 Mother, giver of ease,  
 Laughing low and sweet,  
 Mother, I kiss thy feet,  
 Speaker sweet and low,  
 Mother, to thee I bow.

## 8

Who hath said thou art weak in thy lands,  
 When the swords flash out in seventy million hands,  
 And seventy million voices roar  
 Thy dreadful name from shore to shore?  
 With many strengths who art mighty and strong,  
 To thee I call, Mother and Lord!  
 Thou who savest, arise and save!  
 To her I cry who ever her foemen drive  
 Back from plain and sea  
 And shook herself free.

## 4

Thou art wisdom, thou art law,  
 Thou art heart, our soul, our breath,  
 Thou the love divine, the awe  
 In our hearts that conquers death.  
 Thine the strength that nerves the arm,  
 Thine the beauty, thine the charm,  
 Every image divine,  
 In our temples is but thine.  
 Thou art Durga, Lady and Queen,  
 With her hands that strike and her swords of sheen.  
 Thou art Lakshmi lotus-throned  
 And the Muse, a hundred-toned.  
 Pure and perfect without peer  
 Mother, lend thine ear.

## 5

Rich with thy hurrying streams,  
 Bright with thy orchard gleams,  
 Dark of hue, O candid fair,  
 In thy eoul, with jewelled hair  
 And thy glorious smile divine,  
 Loveliest of all Earthly lands,  
 Showering wealth from well-stored hands  
 Mother, Mother mine!  
 Mother sweet, I bow to thee  
 Mother great and free!

## APPENDIX III

## THE DEVELOPMENT OF PROVINCIAL FINANCIAL AUTONOMY

The history of provincial finance in India has been a process of gradual devolution of financial powers from the Secretary of State through the Govern-

ment of India to the Local (now Provincial) Governments. Before the reforms of 1919 there was a single budget for the whole of India and the Provincial Governments had no independent powers of taxation, the Central Government being the only taxing authority except for the very limited powers of taxation enjoyed by local bodies. Expenditure also was till 1871 controlled down to the smallest detail by the Government of India. This extreme centralisation resulted in a great rigidity in Provincial finance and was a constant source of friction, and between 1871 and 1919 the powers of the Provincial Governments were gradually increased. Immediately before the introduction of the reforms of 1919 the system of division of revenue designated certain heads such as opium, salt, customs, commercial undertakings, etc., as wholly Central; revenue from Civil Departments, Provincial works, Provincial rates, etc., was held to be wholly Provincial; and there was a third category of 'divided heads', the revenue from which was shared between the Centre and the Provinces and which consisted mainly of Land Revenue, Excise, Income-tax, Stamps, Forests and Registration.

With the introduction of a new policy of responsible government in the Provinces under the Act of 1919, it became necessary to have a more clear-cut division between Provincial and Central items of revenue and expenditure. The 'divided heads' were abolished and the revenue was now allocated under the following main heads. To the Centre, opium, salt, customs, income-tax, railways, posts and telegraphs and military receipts: to the Provinces, land revenue, including irrigation, stamps (judicial and commercial), registration, excise and forests. It was also decided to give to the Provinces a share of the income-tax revenue equal to a quarter of an anna on every additional rupee of the income assessed over and above the amount of income assessed in the datum year 1920-21. The abolition of the 'divided heads' of revenue and the provincialisation of certain heads such as land revenue and stamps would have resulted in a large deficit in the Central budget, but a committee appointed under the chairmanship of Lord Meeton dealt with this difficulty by introducing a system of contributions payable by the Provinces to the Centre in order to bridge the gap. This system of contributions was strenuously opposed by the Provincial Governments, but, while the Bengal contribution was wholly remitted from 1922-3, it was not until 1925-6 that the gradual improvement in the finances of the Central Government made it possible for the latter to reduce the amount of the contributions which the other Provinces were asked to pay. In 1927-8 no contributions were actually levied, and in 1928-9 these contributions were finally abolished.

The extent of the annual benefit thus afforded to Provincial revenues from Central revenue may be gauged from the following figures.

*Contributions payable by Provincial Governments to the Central Government  
under the Meeton Award  
(In lakhs of rupees\*)*

Province	Annual contribution
Madras . . . . .	3,48
Bombay . . . . .	56
Bengal . . . . .	63
United Provinces . . . . .	2,40
Punjab . . . . .	1,75
Burma . . . . .	64
Central Provinces and Berar . . . . .	22
Assam . . . . .	15
Total . . . . .	9,83

\* A lakh of rupees = £7,500.

In the field of expenditure, the Provincial legislatures were free to spend what they liked on the 'transferred' subjects, but expenditure on the 'reserved' subjects was subject to some degree of control by the Government of India. Provincial Governments were also given certain powers of borrowing either in India or abroad on the security of their revenues; but these powers were limited and circumscribed. Loans were to be raised only for expenditure on any work or permanent asset of a material character in connexion with a project of lasting public utility, and only if the expenditure was so large that it could not reasonably be met from current revenue. Further, no loan could be raised in India without the previous sanction of the Governor-General in Council nor in England without a similar sanction of the Secretary of State, and all borrowing was to be done on behalf of, and in the name of, the Secretary of State.

The Central Government acted as bankers for Provincial Governments, there being only one public account, and the Provincial Governments had no cash balances of their own. They had an unlimited right to overdraw their accounts with the Central Government provided that the amount overdrawn was made up before the close of the financial year. The liability for providing ways and means during the year was thus entirely thrown on the Central Government.

The financial settlement thus introduced was, like the Constitution itself, a halfway house between a unitary and a federal system. In so far as the allocation of revenues was concerned, the system was completely federal in that a clean separation of revenues was made between the Central Government and the Provinces, but in the sphere of expenditure, audit and accounts, borrowing and allied matters, Provincial Governments continued to depend largely on the Central Government.

The Constitution of 1935 carried this process of decentralisation, which had been started as long ago as 1871, very much further. The sources of revenue of the Provincial and the Central Governments, as also their fields of expenditure, were clearly demarcated, the Provincial Governments were given unlimited rights to borrow in the open market (except when they were in debt to the Central Government, when that Government's previous sanction was necessary); they were to institute separate banking accounts of their own with the Reserve Bank of India and were thus made solely responsible for their own ways and means position; and they were also free to make their own arrangements with regard to audit and accounts.

The Act prescribes in great detail the allocation of the various sources of revenue. These sources may be divided into four categories. (A) Taxes levied and other revenue acquired by the Federation and retained by it; (B) Taxes levied by the Federation but divided between the Federation and the Provinces; (C) Taxes levied and collected by the Federation but assigned to the Provinces; and (D) Taxes levied and collected by the Provinces. The main items in class (A) are corporation tax; profits on currency and coinage; income from the federal railways; income from the posts and telegraphs (including telephones, wireless, broadcasting and other like forms of communications); import duties and military receipts. In class (B) are taxes on income other than agricultural income; salt duties; duties of excise on tobacco and other goods manufactured or produced in India except (a) alcoholic liquors for human consumption, (b) opium, Indian hemp and other drugs, narcotic and non-narcotic, (c) medicinal and toilet preparations containing alcohol or any substance included in sub-para (b), and export duties (with special provision for the Jute Export Duty). Part of the duties on salt, federal duties of excise and export duties may be paid out to the Provinces but only if an Act of the Federal legislature so provides. No such act of the Federal legislature has yet been passed and all these sources of income remain for the present purely Central.

Taxes levied and collected by the Federation but assigned to the Provinces

include duties in respect of succession to property other than agricultural lands; stamp duties in respect of bills of exchange, cheques, promissory notes, bills of lading, policies of insurance, etc.; terminal taxes on goods or passengers carried by railway or air and taxes on railway fares and freights. The object of the provision by which these taxes are to be levied and collected by the Federation, but to be distributed to Provinces, is primarily to maintain that uniformity in rates of taxation which in regard to matters such as these is clearly desirable.

The purely Provincial sources of revenue are land-revenue; irrigation; duties of excise on (a) alcoholic liquors for human consumption, (b) opium, Indian hemp and other narcotic and non-narcotic drugs, (c) medicinal and toilet preparations containing alcohol or any substance included in sub-para (b); taxes on agricultural income; taxes on lands and buildings, hearths and windows; duties in respect of succession to agricultural land; taxes on mineral rights; capitation taxes; taxes on professions, trades, callings and employments; taxes on animals and boats; taxes on the sale of goods and on advertisements; cesses on the entry of goods into a local area for consumption, use or sale therein; taxes on luxuries including taxes on entertainments, amusements, betting and gambling; stamps and registration; dues on passengers and goods carried on inland waterways; tolls and fees in respect of any of the matters in the Provincial list but not including fees taken in any court.

The Act, it will be observed, attempts, in keeping with the theory of federal finance, to make as clear-cut a separation as possible between sources of Central and Provincial revenue in order to minimise the possibility of friction between the Federal and Provincial Governments. A complete separation of mutually exclusive heads of Central and Provincial revenue was, however, impracticable, for under any such definitive allocation and in the absence of provision for further financial adjustment between the two, either the Centre or the Provinces would inevitably have been handicapped by insufficient resources. The Act therefore provided for the sharing, from the very start, of certain sources of revenue such as the Income-tax (Section 138) and the Jute Export Duty (Section 140 (2)) and made a further provision for the payment from Central revenues of cash subventions to such Provinces as might still be in need of assistance to balance their budgets (Section 142). In so far as they were not laid down in the Act, the details with regard to these matters were left to be prescribed by an Order in Council. This Order—Government of India (Distribution of Revenue) Order, 1936—was issued on the basis of an investigation made in India by Sir Otto Niemeyer, whose 'Award' was incorporated without modification in that Order.

The main objects which Sir Otto Niemeyer kept in view in working out the details of his Award were twofold. The first was to ensure the stability of the Central finances. The financial stability and credit of India as a whole were no less essential to the well-being of the Provinces and to the success of Provincial autonomy than to the Centre itself. The second object was to make such arrangements both for the present and for the future as would enable the Provinces to start their autonomous career on an 'even keel' and to permit them, with reasonably careful financial management and prudent husbanding and development of their resources, to balance their budgets without having to prune their expenditure to a level which would have impeded the efficiency of administration or the development of the social services. The Award therefore was based less on financial theory than on the present and future needs of each Province viewed in the light of estimates of its present and future resources.

With the object of starting the Provinces on an 'even keel', Sir Otto's first recommendation was that the debt which certain Provinces owed to the Government of India should be cancelled. He recommended the cancellation of the entire debt to the Centre incurred before April 1, 1936, by the Provinces of Bengal, Bihar, Assam, N.W.F.P. and Orissa, and that part of the debt of the

Central Provinces outstanding on March 31, 1936, which represented the accumulated revenue deficits together with about 2 crores<sup>1</sup> of earlier indebtedness. The

*Debt Cancellation and Consolidation under the Niemeyer Scheme*

(In lakhs of rupees)

Province	Debt cancelled	Immediate budgetary benefit resulting from this cancellation and consolidation
Madras . . . . .	—	36
Bombay . . . . .	—	7
Bengal . . . . .	1,91	36
United Provinces . . . . .	—	1
Punjab . . . . .	—	3
Bihar . . . . .	2,35	21
Central Provinces . . . . .	2,56	18
Assam . . . . .	90	15
N.W.F.P. . . . .	3,21	12
Orissa . . . . .	2,69	9
Sind . . . . .	—	1
Total . . . . .	13,62	1,59

Government of India at the same time consolidated the debts owed by each of the remaining Provinces and also the remainder of the debt of the Central Provinces, making the resultant consolidated debts payable in half-yearly equated instalments of principal and interest over a period of 45 years. The figures above show the extent of the benefit that accrued to the various Provinces through this measure in the reduction both of their outstanding liabilities and of their annual interest charges. The Provinces were further given the option to repay in 1945-6 half of the consolidated debt outstanding on March 31, 1945, and to repay the remaining half in 1950-51. More recently the Provinces have been permitted to repay half of the debt due in 1945-6 in instalments beginning in 1942-3.

Three points had been specifically referred to Sir Otto Niemeyer, namely, the percentage of the income tax to be distributed to the Provinces and the manner of its distribution, the percentage of the Jute Export Duty to be assigned to the jute-growing Provinces, and the extent of the subventions to the Provinces. His recommendations were as follows:—

With regard to income tax he proposed—

(a) that the percentage prescribed under Section 138 (1) to be assigned to the Provinces should be 50;

(b) that the percentage distribution of this share should be: Madras 15, Bombay 20, Bengal 20, United Provinces 15, Punjab 8, Bihar 10, Central Provinces 5, Assam 2, N.W.F.P. 1, Orissa 2, Sind 2;

(c) that the amount to be retained by the Centre under Section 138 (2) should be, for a period of five years, in each year either the whole of the moneys assigned by sub-section (1) to the Provinces or such amount as together with any general budget receipts from the railways would bring the Central Government's share of the divisible total up to 18 crores, whichever might be less; and for a second period of five years, in the first year five-sixths of the sum, if any, retained in the last year of the first period, decreasing by a further sixth of that sum in each of the succeeding five years.

This arrangement was amended in 1940, retrospectively, from April 1, 1939, by the Government of India (Distribution of Revenue) (Amendment) Order,

<sup>1</sup> One crore of rupees = £750,000.

1940, which provided that the contribution of the railways to the Central Revenues should be altogether excluded from the calculation of the financial settlement between the Centre and the Provinces. Moreover, out of the Provincial share of income tax as defined above, the Centre would retain 4½ crores, the sum which according to the budget estimate for 1939-40, would have been retained under the normal operation of the Niemeyer Award. This formula was to remain in operation from 1939-40 to 1941-2, after which the retained portion would be reduced by one-sixth each year as originally provided. On April 1, 1942, however, in terms of proviso (ii) to sub-section 2 of section 188 of the Government of India Act, the Governor-General, being satisfied that the maintenance of the financial stability of the Central Government required him to do so, directed that the sum to be retained by the Centre in 1942-3 should be the sum retained in the preceding year and that the second prescribed period should be correspondingly extended.

Both these changes were the direct outcome of the war. In the first place, it was necessary to secure to the Centre the proceeds of a war-time enhancement of railway fares and freights. Secondly, owing to the greatly increased economic activity and the enhanced scale of war taxation, the revenue from taxes on income (including the Excess Profits Tax) has expanded enormously and consequently the share payable to the Provinces under the original Award would have been similarly swollen, although the heavy and mounting burden of Defence expenditure lies solely on Central revenues. The second change was designed as a partial corrective to this anomaly.

The table below shows the amount of income tax distributed to the Provinces

*Share of Net Proceeds of Income Tax assigned to Provinces*

(In thousands of rupees)

Province	1937-8	1938-9	1939-40	1940-41	1941-2 Revised Estimates	1942-3 Budget Estimates
Madras . . .	1,875	2,250	4,185	6,240	11,085	12,555
Bombay . . .	2,500	3,000	5,580	8,320	14,780	16,740
Bengal . . .	2,500	3,000	5,580	8,320	14,780	16,740
United Provinces	1,875	2,250	4,185	6,240	11,085	12,555
Punjab . . .	1,000	1,200	2,232	3,328	5,812	6,696
Bihar . . .	1,250	1,500	2,790	4,160	7,390	8,370
Central Provinces	625	750	1,395	2,080	3,695	4,185
Assam . . .	250	300	558	832	1,478	1,674
N.W.F.P. . .	125	150	279	416	739	837
Sind . . .	250	300	558	832	1,478	1,674
Orissa . . .	237	300	558	832	1,478	1,674
Total . . .	12,487	15,000	27,900	41,600	73,900	83,700

in each year since 1937-8. It will be observed that, in spite of the later amendments to the Order-in-Council, the share annually distributed among Provincial Governments has trebled since the outbreak of war and for the years 1941-2 and 1942-3 is likely substantially to exceed the amount of Rs. 6 crores which, when the original award was made, was contemplated as the probable ultimate share of the Provinces at the end of the 10-year devolution period.

The percentage of the Jute Export Duty which Sir Otto Niemeyer proposed for assignment to the Provinces, was 82½. This was to be distributed in proportion to the area under jute in each of the jute-growing Provinces. The figures below show the amount received by these Provinces on this account since 1937-8.

*Share of Net Proceeds of Jute Export Duty assigned to Provinces*

(In thousands of rupees)

Province	1937-8	1938-9	1939-40	1940-41	1941-2 Revised Estimates	1942-3 Budget Estimates
Bengal . . . .	23,781	22,127	22,197	15,917	16,000	12,500
Bihar . . . .	1,366	1,712	1,834	1,448	1,571	1,241
Orissa . . . .	194	92	93	88	97	77
Assam . . . .	1,175	1,169	1,339	1,059	1,214	959
Total . . . .	26,516	25,100	25,562	18,512	18,882	14,777

Sir Otto Niemeyer's third recommendation was that the Centre should make to the Provinces the following subventions :—

United Provinces	Rs. 25 lakhs a year for five years.
Assam	Rs. 30 lakhs a year.
N.W.F.P.	Rs. 1,00 lakhs a year.
Orissa	Rs. 47 lakhs for the first year; Rs. 48 lakhs in each of the next four years; and Rs. 40 lakhs a year thereafter.
Sind	Rs. 1,10 lakhs in the first year; Rs. 1,05 lakhs a year for the next nine years; the amount then gradually to diminish to Rs. 55 lakhs per year, and to cease at the end of 45 years from the commencement of the Act.

These, then, were the revenues placed at the disposal of the Provinces to start them on their new career. As for expenditure, the Provinces were given complete freedom to spend as they pleased without the interference of any outside authority. The only expenditure over which the Provincial legislatures did not have the right of control was expenditure which is statutorily 'charged' to revenue under the Act of 1935; this consists mainly of expenditure on the salaries and pensions of Governors, Judges of the High Court and members of the Secretary of State's Services, debt charges, and any items which the Governor may order to be included as touching any of his special responsibilities. Apart from this there is no restriction on the expenditure of the Provinces beyond such as is automatically placed on them by the necessity to find funds either by taxation or by borrowing to finance their outlay.

They have now the right to borrow freely on the security of their revenues without any interference from any outside body, except that Provinces which are indebted to the Centre have to obtain the prior permission of the Central Government before they borrow from any source. It has, however, been statutorily provided that this consent is not to be unreasonably withheld, and in no case has it yet been refused.

Under Provincial autonomy each Province has a separate banking account with the Reserve Bank of India. In the event of a temporary deficiency of resources, the Province must either borrow from the market in the form of short-term Treasury Bills or obtain a ways and means advance from the Bank.

The auditing and accounting arrangements have remained unchanged, the Auditor-General of India and his staff of Accountants-General in each Province carrying out these functions on behalf of both the Central and Provincial Governments. The Provinces have, however, been given the right (which none of them has yet exercised) to have Auditors-General of their own so that they may, if they



so desire, cut themselves completely adrift, even in this matter, from the arrangements of the Central Government.<sup>1</sup>

## APPENDIX IV.

### EXTRACT FROM A STATEMENT BY THE CHANCELLOR OF THE CHAMBER OF PRINCES ON MARCH 17, 1942

The laws of the States that are members of this Chamber have been modelled generally on the lines of British Indian laws. The criminal, civil and procedural law enforced in the States is almost identical with that obtaining in British India. 91 per cent. of the population of States in this Chamber has already got the benefit of High Courts; in 97 per cent. of these the Rulers exercise only the prerogative of mercy in judicial matters. Judicial officials generally possess sufficient legal qualifications or judicial experience, and in many cases minimum qualifications have been prescribed for the appointment of judicial officers. In certain groups the relatively smaller States have been examining or have adopted suitable schemes for common judges of the High Court. The general incidence of taxation in the States has also been compared with, and found lower than, that of the adjoining British Indian provinces. Primary education is free almost throughout the territories of the States. In some cases even higher education is paid for by the State. Many States maintain colleges for 'post-matric' instruction for which stipends are liberally provided for the poor students. Modern dispensaries exist in every Chamber State, equipped according to the varying needs and conditions of the States. Some of them compare favourably with the best available medical aid in British India. Many States have extensive irrigation works, canals, tanks, *bunds* and big dams constructed at State expense for the benefit of their subjects. Assistance given by the States in distress or famine, as Your Excellency is aware, has been worthy of their highest traditions. Agricultural and industrial organisation on modern lines has been a prominent feature of the recent policy of many States. . . . 90.5 per cent. of the population of our States possess local bodies with non-official majorities, States with 72 per cent. of the population have got Legislative Assemblies, out of which 85.8 per cent. have a majority of elected members and 5 per cent. have equality of elected and nominated members. States representing more than half of our total population have recently reviewed and enlarged the scope of association of their subjects with their administrations. The year under report has been particularly conspicuous for the publication of up-to-date Administration Reports in most of the States, while it is receiving attention in others. . . . We do not claim perfection for all the States administrations; at the same time, the aforesaid statement of facts, based on authentic information, will show to all fair-minded persons that the Indian States are not anachronisms in the conception of a progressive State, and that our administrations are based on a rule of law associated with growing beneficent activities.

<sup>1</sup> In finance as in other matters the Provincial autonomy of the Provinces was qualified by emergency legislation at the outbreak of war as described in Chapter XVIII

## APPENDIX V

## THE CONGRESS RESOLUTION ON FUNDAMENTAL RIGHTS

A resolution on this subject was carried at the Congress Session in March 1931. An amended form of this resolution was carried by the A.I.C.C. in the following August, and this form was adopted by the Congress Session in 1933.<sup>1</sup>

The text is as follows :—

The Congress is of opinion that to enable the masses to appreciate what 'Swaraj', as conceived by the Congress, will mean to them, it is desirable to state the position of the Congress in a manner easily understood by them. In order to end the exploitation of the masses, political freedom must include real economic freedom of the starving millions. The Congress, therefore, declares that any constitution which may be agreed to on its behalf should provide, or enable the Swaraj Government to provide for the following :—

*Fundamental Rights and Duties*

(1) (i) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for purposes not opposed to law or morality.

(ii) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.

(iii) The culture, language and script of the minorities and of the different linguistic areas shall be protected.

(iv) All citizens are equal before the law, irrespective of religion, caste, creed or sex.

(v) No disability attaches to any citizen, by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.

(vi) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of State or local funds, or dedicated by private persons for the use of the general public.

(vii) Every citizen has the right to keep and bear arms, in accordance with regulations and reservations made in that behalf.

(viii) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered, or confiscated, save in accordance with law.

(ix) The State shall observe neutrality in regard to all religions.

(x) The franchise shall be on the basis of universal adult suffrage.

(xi) The State shall provide for free and compulsory primary education.

(xii) The State shall confer no titles.

(xiii) There shall be no capital punishment.

(xiv) Every citizen is free to move throughout India and to stay and settle in any part thereof, to acquire property and to follow any trade or calling, and to be treated equally with regard to legal prosecution or protection in all parts of India.

*Labour*

(2) (a) The organisation of economic life must conform to the principle of justice, to the end that it may secure a decent standard of living.

(b) The State shall safeguard the interests of industrial workers and shall

<sup>1</sup> *Indian National Congress, 1933-34 (Allahabad)*, 86-8, 119-22, 175.

secure for them, by suitable legislation and in other ways, a living wage, healthy conditions of work, limited hours of labour, suitable machinery for the settlement of disputes between employers and workmen, and protection against the economic consequences of old age, sickness, and unemployment.

(3) Labour to be freed from serfdom and conditions bordering on serfdom.

(4) Protection of women workers, and specially, adequate provision for leave during maternity period.

(5) Children of school-going age shall not be employed in mines and factories.

(6) Peasants and workers shall have the right to form unions to protect their interests.

#### *Taxation and Expenditure*

(7) The system of land-tenure and revenue and rent shall be reformed and an equitable adjustment made of the burden on agricultural land, immediately giving relief to the smaller peasantry, by a substantial reduction of agricultural rent and revenue now paid by them, and in case of uneconomic holdings, exempting them from rent so long as necessary, with such relief as may be just and necessary to holders of small estates affected by such exemption or reduction in rent, and to the same end, imposing a graded tax on net incomes from land above a reasonable minimum.

(8) Death duties on a graduated scale shall be levied on property above a fixed minimum.

(9) There shall be a drastic reduction of military expenditure so as to bring it down to at least one-half of the present scale.

(10) Expenditure and salaries in civil departments shall be largely reduced. No servant of the State, other than specially employed experts and the like, shall be paid above a certain fixed figure, which should not ordinarily exceed Rs. 500 per month.

(11) No duty shall be levied on salt manufactured in India.

#### *Economic and Social Programme*

(12) The State shall protect indigenous cloth; and for this purpose pursue the policy of exclusion of foreign cloth and foreign yarn from the country and adopt such other measures as may be found necessary. The State shall also protect other indigenous industries, when necessary, against foreign competition.

(13) Intoxicating drinks and drugs shall be totally prohibited, except for medicinal purposes.

(14) Currency and exchange shall be regulated in the national interest.

(15) The State shall own or control key industries and services, mineral resources, railways, waterways, shipping and other means of public transport.

(16) Relief of agricultural indebtedness and control of usury—direct and indirect.

(17) The State shall provide for the military training of citizens so as to organise a means of national defence apart from the regular military forces..

## APPENDIX VI

## MOSLEM BY-ELECTIONS

*Results of by-elections in Moslem constituencies for the Central and Provincial legislatures between January 1, 1938 and September 12, 1942*

		Number of by- elections	Candidates elected		
			Moslem League	Congress	Independ- ents, etc.
Central	Upper House	1	—	—	1
legislature	Lower House	5	4	1	—
Madras	Upper House	—	—	—	—
	Lower House	1	1	—	—
Bombay	Upper House	1	1	—	—
	Lower House	3	2	—	1
Bengal	Upper House	6	5	—	1
	Lower House	7	7	—	—
United	Upper House	5	3	—	2
Provinces	Lower House	2	1	—	1
Punjab		12	12 <sup>1</sup>	—	—
Bihar	Upper House	1	1	—	—
	Lower House	3	3	—	—
Central Provinces		2	2	—	—
Assam	Upper House	1	—	—	1
	Lower House	—	—	—	—
North-West Frontier Province		4	3	1	—
Orissa		—	—	—	—
Sind		2	1	1	—
Total		56	46	3	7

<sup>1</sup> These seats were won by the Unionist Party in alliance with the Moslem League. See p. 182 above.

## APPENDIX VII

## THE 'AUGUST OFFER'

*Statement issued by the Governor-General of India with the authority of His Majesty's Government on August 8, 1940 (Cmd. 6291)*

India's anxiety at this moment of critical importance in the world struggle against tyranny and aggression to contribute to the full to the common cause and to the triumph of our common ideals is manifest. She has already made a mighty contribution. She is anxious to make a greater contribution still. His Majesty's Government are deeply concerned that that unity of national purpose in India which would enable her to do so should be achieved at as early a moment as possible. They feel that some further statement of their intentions may help to promote that unity. In that hope they have authorised me to make the present statement.

Last October His Majesty's Government again made it clear that Dominion Status was their objective for India. They added that they were ready to authorise the expansion of the Governor-General's Council to include a certain number of representatives of the political parties, and they proposed the establishment of a consultative committee. In order to facilitate harmonious co-operation, it was obvious that some measure of agreement in the Provinces between the major parties

was a desirable pre-requisite to their joint collaboration at the Centrs. Such agreement was, unfortunately, not reached, and in the circumstances no progress was then possible.

During the earlier part of this year I continued my efforts to bring the political parties together. In these last few weeks I again entered into conversations with prominent political personages in British India and the Chancellor of the Chamber of Princes, the results of which have been reported to His Majesty's Government. His Majesty's Government have seen also the resolutions passed by the Congress Working Committee, the Moslem League and the Hindu Mahasabha.

It is clear that earlier differences which had prevented the achievement of national unity remained unbridged. Deeply as His Majesty's Government regret this, they do not feel that they should any longer, because of those differences, postpone the expansion of the Governor-General's Council, and the establishment of a body which will more closely associate Indian public opinion with the conduct of the war by the Central Government. They have authorised me accordingly to invite a certain number of representative Indians to join my Executive Council. They have authorised me further to establish a War Advisory Council which would meet at regular intervals and which would contain representatives of the Indian States and of other interests in the national life of India as a whole.

The conversations which have taken place, and the resolutions of the bodies which I have just mentioned, made it clear, however, that there is still in certain quarters doubt as to the intentions of His Majesty's Government for the constitutional future of India, and that there is doubt, too, as to whether the position of minorities, whether political or religious, is sufficiently safeguarded in relation to any future constitutional change by assurances already given. There are two main points that have emerged. On those two points His Majesty's Government now desire me to make their position clear.

The first is as to the position of minorities in relation to any future constitutional scheme. It has already been made clear that my declaration of last October does not exclude examination of any part either of the Act of 1935 or of the policy and plans on which it is based. His Majesty's Government's concern that full weight should be given to the views of minorities in any revision has also been brought out. That remains the position of His Majesty's Government.

It goes without saying that they could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.

The second point of general interest is the machinery for building within the British Commonwealth of Nations the new constitutional scheme when the time comes. There has been very strong insistence that the framing of that scheme should be primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of Indian life. His Majesty's Government are in sympathy with that desire and wish to see it given the fullest practical expression, subject to the due fulfilment of the obligations which Great Britain's long connexion with India has imposed on her and for which His Majesty's Government cannot divest themselves of responsibility. It is clear that a moment when the Commonwealth is engaged in a struggle for existence is not one in which fundamental constitutional issues can be decisively resolved. But His Majesty's Government authorise me to declare that they will most readily assent to the setting up after the conclusion of the war with the least possible delay of a body representative of the principal elements in India's national life in order to devise the framework of the new Constitution, and they will lend every aid in their power to hasten decisions on all relevant matters to the utmost degree. Meanwhile they will welcome and promote in any way possible every

sincere and practical step that may be taken by representative Indians themselves to reach a basis of friendly agreement, first upon the form which the post-war representative body should take and the methods by which it should arrive at its conclusions, and secondly, upon the principles and outlines of the Constitution itself. They trust, however, that for the period of the war (with the Central Government reconstituted and strengthened in the manner I have described, and with the help of the War Advisory Council) all parties, communities and interests will combine and co-operate in making a notable contribution to the victory of the world cause which is at stake. Moreover, they hope that in this process new bonds of union and understanding will emerge, and thus pave the way towards the attainment by India of that free and equal partnership in the British Commonwealth which remains the proclaimed and accepted goal of the Imperial Crown and of the British Parliament.

## APPENDIX VIII

## THE DRAFT DECLARATION OF 1942

*Statement by the Prime Minister in the House of Commons on March 11, 1942*

The crisis in the affairs of India arising out of the Japanese advance has made us wish to rally all the forces of Indian life, to guard their land from the menace of the invader. In August, 1940, a full statement was made about the aims and policy we are pursuing in India. This amounted, in short, to a promise that, as soon as possible after the war, India should attain Dominion status, in full freedom and equality with this country and the other Dominions, under a Constitution to be framed by Indians, by 'agreement among themselves and acceptable to the main elements in Indian national life. This was, of course, subject to the fulfilment of our obligations for the protection of minorities, including the depressed classes, and of our treaty obligations to the Indian States, and to the settlement of certain lesser matters arising out of our long association with the fortunes of the Indian sub-continent.

However, Sir, in order to clothe these general declarations with precision and to convince all classes, races and creeds in India of our sincere resolve, the War Cabinet have agreed unitedly upon conclusions for present and future action which, if accepted by India as a whole, would avoid the alternative dangers either that the resistance of a powerful minority might impose an indefinite veto upon the wishes of the majority or that a majority decision might be taken which would be resisted to a point destructive of internal harmony and fatal to the setting-up of a new Constitution. We had thought of setting forth immediately the terms of this attempt, by a constructive British contribution, to aid India in the realisation of full self-government; we are, however, apprehensive that to make a public announcement at such a moment as this might do more harm than good. We must first assure ourselves that our scheme would win a reasonable and practical measure of acceptance, and thus promote the concentration of all Indian thought and energies upon the defence of the native soil. We should ill serve the common cause if we made a declaration which would be rejected by essential elements in the Indian world, and which provoked fierce constitutional and communal disputes at a moment when the enemy is at the gates of India.

Accordingly, we propose to send a member of the War Cabinet to India, to satisfy himself upon the spot, by personal consultation, that the conclusions upon which we are agreed, and which we believe represent a just and final solution, will achieve their purpose. My right hon. and learned Friend the Lord Privy Seal and Leader of the House has volunteered to undertake this task. He carries with

him the full confidence of His Majesty's Government, and he will strive in their name to procure the necessary measure of assent, not only from the Hindu majority, but also from those great minorities, amongst which the Moslems are the most numerous and on many grounds pre-eminent.

The Lord Privy Seal will, at the same time, consult with the Viceroy and the Commander-in-Chief upon the military situation, bearing always in mind the paramount responsibility of His Majesty's Government by every means in their power to shield the peoples of India from the perils which now beset them. We must remember that India has a great part to play in the world's struggle for freedom and that her helping hand must be extended in loyal comradeship to the valiant Chinese people, who have fought alone so long. We must remember also that India is one of the bases from which the strongest counter-blows must be struck at the advance of tyranny and aggression.

My right hon. Friend will set out as soon as convenient and suitable arrangements can be made. I am sure he will command in his task the heartfelt good wishes of all parts of the House and that, meanwhile, no word will be spoken or Debates be held, here or in India, which would add to the burden he has assumed in his mission, or lessen the prospects of a good result. During my right hon. and learned Friend's absence from this House, his duties as Leader will be discharged by my right hon. Friend the Foreign Secretary.

*Draft Declaration for Discussion with Indian Leaders,  
published March 30, 1942*

The conclusions of the British War Cabinet as set out below are those which Sir Stafford Cripps has taken with him for discussion with the Indian Leaders and the question as to whether they will be implemented will depend upon the outcome of these discussions which are now taking place.

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of the promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realisation of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion, associated with the United Kingdom and the other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government therefore make the following declaration :—

(a) Immediately upon the cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new Constitution for India.

(b) Provision shall be made, as set out below, for the participation of the Indian States in the constitution-making body.

(c) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to :—

(i) the right of any Province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as the Indian Union, and arrived at by a procedure analogous to that here laid down.

(ii) the signing of a Treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in the future its relation to the other Member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements, so far as this may be required in the new situation.

(d) the constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities :—

Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of the Provincial Legislatures shall, as a single electoral college, proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about one-tenth of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of the representatives of British India as a whole, and with the same powers as the British Indian members.

(e) During the critical period which now faces India and until the new Constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the defence of India as part of their world war-effort, but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

## APPENDIX IX

### MR. RAJAGOPALACHARI'S PROTEST TO MR. GANDHI, JULY 1942

A letter to Mr. Gandhi, signed by Mr. Rajagopalachari and three leading Madras Congressmen, was filed as an exhibit in a defamation suit brought by Mr. Rajagopalachari against the Madras journal, *Sunday Observer*, in January 1948. It was written about a week after the publication of the Congress Working Committee's resolution on July 14, 1942 (see p. 291 above). Its more important passages were as follows.<sup>1</sup>

<sup>1</sup> *Indian Affairs*, Feb. 16, 1948.



We have carefully read the resolution passed by the Congress Party Working Committee on the 14th July, which is to be placed before a meeting of the All India Congress Committee next month. In view of the far-reaching consequences of the adoption of the resolution, we feel it our duty, having worked with you since 1920, to place before you our considered views in this matter. While there can be no difference of point of view on India's demand for complete freedom from foreign domination, the idea of the withdrawal of the Government, to be automatically replaced by another Government, is altogether impossible.

The State is no mere superstructure, but is so intimately bound up with the functioning of every activity of the people that the withdrawal of the Government without simultaneous replacement by another must involve the dissolution of the State and society itself. It is not natural for any Government to withdraw without transferring their power to a successor by consent or without being forcibly replaced by another. The formation of a provisional Government, as well as the convening of a Constituent Assembly, is possible only if the continuity of the State is assured. We feel, therefore, that, however difficult the achievement of a Hindu-Muslim settlement may be while the British Government is here and functioning, it is essential before a demand for withdrawal can reasonably be made.

The major political organisations, namely, the Congress Party and Muslim League, should evolve a joint plan with regard to a provisional Government which can take over power and preserve the continuity of the State. Even if we imagine that the British could ever, under moral compulsion, be made to withdraw unconditionally, we are convinced that the chaos which would follow under existing conditions would not permit within any reasonable time the formation of a provisional Government such as you contemplate.

The critical international situation in which India is directly involved makes certain that the party to gain immediately by the movement will be Japan. If the movement could possibly displace the British Government by installing a National Government capable of resisting Japanese aggression, it might be worth while taking all risks attached thereto. But, as this result is not even remotely probable, it will only produce more intense and large scale repression and suffering, which will facilitate a Japanese invasion and occupation.

## APPENDIX X

### STATISTICS OF POPULATION AND COMMUNITIES

TABLE I

INDIA: POPULATION, 1941

	Males	Females	Total
British India . . . . .	153,045,000	142,782,000	295,809,000
States and Agencies . . . . .	47,883,000	45,090,000	93,189,000
Total . . . . .	200,928,000	187,872,000	388,998,000

TABLE II

## INDIA: PRINCIPAL COMMUNITIES, 1941

(All figures are given in thousands)

Province or State	Hindus other than Scheduled Castes	Scheduled Castes	Moslems	Christians	Sikhs	Total Population
Madras . . . . .	34,731	8,068	3,896	2,047	0.4	49,342
Bombay . . . . .	14,700	1,855	1,920	375	8	20,850
Bengal . . . . .	17,680	7,379	33,005	166	16	60,307
U.P. . . . .	34,095	11,717	8,416	160	232	55,021
Punjab . . . . .	6,302	1,249	16,217	505	3,757	28,419
Bihar . . . . .	22,174	4,340	4,716	35	13	36,340
C.P. . . . .	9,881	3,051	784	59	15	16,814
Assam . . . . .	3,537	676	3,442	41	3	10,205
N.W.F.P. . . . .	180	—	2,789	11	58	3,038
Orissa . . . . .	5,595	1,238	146	28	0.2	8,729
Sind . . . . .	1,038	192	3,208	20	31	4,535
<b>Total, British India . . . . .</b>	<b>150,890</b>	<b>39,921</b>	<b>79,399</b>	<b>3,482</b>	<b>4,165</b>	<b>295,809</b>
Hyderabad (a) . . . . .	10,382	2,928	2,097	220	5	16,339
Mysore (a) . . . . .	5,282	1,405	485	113	0.3	7,329
Travancore (a) . . . . .	3,146	396	434	1,960	—	6,070
Kashmir (ab) . . . . .	694	113	3,074	4	66	4,022
Gwalior (a) . . . . .	3,463	—	241	2	2	4,006
Baroda (a) . . . . .	1,963	231	224	9	0.6	2,855
<b>Total, States and Agencies . . . . .</b>	<b>55,227</b>	<b>8,892</b>	<b>12,660</b>	<b>2,834</b>	<b>1,526</b>	<b>93,189</b>
<b>Total, India . . . . .</b>	<b>206,117</b>	<b>48,813</b>	<b>92,058<sup>(c)</sup></b>	<b>6,317<sup>(d)</sup></b>	<b>5,691</b>	<b>388,998</b>

(a) The six States that appear here are those with the largest population.

(b) Including feudatories.

(c) The total population of India recorded by communities at the Census of 1941 was 386,887,000. The remainder, 2,331,000, consists of persons in the North-West Agency and tribal areas beyond the administered border, whose community could not be ascertained. The conditions of the region, however, indicate that they may be regarded as Moslems. If they are counted as Moslems, the total number of Moslems in India becomes 94,889,000.

(d) The figures for Christians given in the Census overlap with those for Tribes. Allowing for this, the total number of Christians is estimated at 7,250,000.

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PART III  
THE FUTURE OF INDIA  
INTRODUCTION

In the first two parts of this Report an attempt has been made to describe the development of the Indian constitutional problem and the main course of Indian politics down to the end of 1942. This third part leaves the firm ground of history to speculate about the future.

There can be no question, it need hardly be said, of trying to draft a new constitution for India. Such a task is far beyond one man's powers. The last attempt at constitution-making, the Act of 1935, took several years and engaged the labour of a great company of British and Indian statesmen. The making of the new constitution, moreover, however deeply we in this country may be interested in it, is no longer our business. The British Government has declared that it is for the people of India to determine, as the peoples of the Dominions determined in their day, the form of government under which they wish to live. And, though at the time of writing (August 1943) the stage of formal organised discussion of that great question has not yet been reached, Indians, of course, have been thinking and talking about it for some time past. Few, indeed, of the ideas to be found in the following pages have not been already canvassed by Indian publicists and politicians.

No 'solution', then, of the Indian problem is to be looked for in this part of the Report. All it can try to do is to re-state the dominant factors of the problem as the author sees them in the light of the inquiry undertaken in Parts I and II, and to explore some of the ways in which those factors might possibly be dealt with. It will have served its purpose if it helps in any degree to make the nature of the problem better understood by students of politics and to stimulate further discussion of it in the practical world.



## CHAPTER I

### THE SITUATION IN 1943

THE course of Indian politics from 1936 to the end of 1942 has been described in the preceding part of this Report. Before exploring the possibilities of the future, a brief account must be given of the main developments in the situation up to the early autumn of 1943.

#### 1

In India, as elsewhere, the outstanding event has been the turn in the tide of the war. In the early months of 1942 many Indians believed not only that the Axis Powers would win the war, but that India itself would soon be overrun by the irresistible Japanese. Both these beliefs have been undermined by the course of events in 1943. The United Nations have obtained the initiative in Europe and the Japanese appear to have lost it on the Indian frontier. As the year drew on, though the Arakan campaign was disappointing, the menace of invasion seemed less immediate and less formidable. The extent to which Indian politics, and Mr. Gandhi's politics in particular, have been affected by the Japanese danger has been shown in Part II; and the prospect of the ultimate elimination of that extraneous and disturbing factor in the Indian situation has already cleared the air and improved the prospects of a political settlement.

It is realised, however, that the final defeat of Japan may take a substantial time, and there has been no relaxation in India's war-effort. While the Indian Army has been winning new laurels in the Mediterranean area, the inflow of volunteers at its Indian bases has continued unchecked. By midsummer the strength of the Army was nearly two millions, and that of the Indian Navy and Air Force had increased proportionately. There has been a similar steady rise in the expansion of war-industries and the output of munitions and other war-material.

The five non-Congress Provinces—and there is now, as will presently be seen, a sixth—have continued to play their full part in the war-effort. The political developments which have occurred in them since the end of 1942 may be summarised as follows.

The most dramatic changes have occurred in Bengal. In the course of March it became clear that Mr. Fazl-ul-Huq's attempt to govern with his composite Progressive Coalition Party in defiance of the Moslem League was breaking down. It so happened that the triennial elections to the Legislative Council, which are made partly by the Assembly and partly by Provincial constituencies, took place at that time. In the Assembly elections the Moslems gained two seats at the expense of the Hindus. In the direct elections the Progressive Coalition Party lost all its six seats to the

League. On March 24 the Government defeated a hostile motion on the budget by 116 votes to 86, but on March 27 it secured only 109 votes to 99. The Opposition was expecting to carry a direct no-confidence motion a few days later when on March 29 Mr. Fazl-ul-Huq resigned, after six years' unbroken tenure of the Premiership, and the Assembly was adjourned for a fortnight. Since it thus became impossible to carry the remaining money-grants before April 1, the Governor (Sir John Herbert) took over the administration under Section 98 of the Act of 1935,<sup>1</sup> pending the formation of a new Ministry. In the interval further proof of the League's ascendancy was given at a rural by-election at which its candidate defeated Mr. Fazl-ul-Huq's nominee by 9,636 votes to 1,004. On April 24 a new Ministry, headed by Khwaja Sir Nazimuddin, the League leader in Bengal, and containing six other Moslems and six Hindus, took office, and the proclamation under Section 98 was revoked. The Ministry could not be regarded as an effective intercommunal or inter-party coalition, since its Hindu members were not outstanding men and none of them belonged to either of the two Provincial sections of the Congress; but the Premier at once appealed for intercommunal concord, 'extending', so he said, 'a hand of fellowship and co-operation to the entire Hindu community'.<sup>2</sup> The strength of the Ministry was tested when the Assembly met again in July. After a three days' debate, an Opposition motion censuring the Government for its handling of the grievous food shortage was defeated by 184 to 88.<sup>3</sup>

In the Punjab the strength and coherence of the Unionist Party were plainly demonstrated by the way it stood up to the blow—a blow to all India as well as to the Province—inflicted by its leader's sudden death.<sup>4</sup> The surviving Ministers resigned and were re-appointed under the Premiership of Malik Khizar Hyat Khan Tiwana, previously Minister of Public Works and, like his late chief, a soldier. The vacant Ministry was presently filled by Sir Sikander Hyat Khan's eldest son, Major Sardar Shaukat Hyat Khan. The Government's hold on the legislature, in which the Unionist Party commands 120 votes out of 175, remains to all appearance as strong as ever, nor has it been called on in recent months to deal with any serious trouble. There was small response to Mr. Gandhi's call to rebellion in 1942, and the Province has been little affected by the continuance of subversive activities underground. In the Punjab, too, as elsewhere, communal antagonism seems for the time to have been muffled. The Government's chief trouble, indeed, has been among its own supporters. Based on the principle of coalition and containing Hindu and Sikh as well as Moslem Ministers, it could scarcely accept without question Mr. Jinnah's claim—of which something more will be said later on—that it was a 'Moslem League Government', subject in some degree to the control of the League's all-India 'high command'.

In Sind the Ministry formed in October 1942<sup>5</sup> found itself in possession

<sup>1</sup> See Part II, 283-4.

<sup>2</sup> July 14. *Reuter*, Calcutta, July 15, 1943.

<sup>3</sup> Statement to the Press, April 25, 1943.

<sup>4</sup> Part II, 44.

<sup>5</sup> *Ibid.*, 74-5.

of a safe majority when the Assembly met for its budget session at the end of February. There was no effective opposition. The whole budget was carried at one sitting. It was clear, moreover, that the Moslem League, after so many vicissitudes, had at last obtained control of the Province. All the four Moslem Ministers were or had become members of it, and—what was still more significant—the Assembly passed on March 3 a resolution echoing the Pakistan resolution of the League Session in 1940.<sup>1</sup> This resolution, the first of its kind to be passed in a Provincial legislature, was supported by 24 votes. Three votes were cast against it, being those of the two Hindu Ministers and the Hindu Parliamentary Secretary. The 'non-official Hindu' or Congress group of seven walked out. The two representatives of the British community did not vote.

On May 14, the ex-Premier, Mr. Allah Baksh, was set upon by four men near Shikarpur and shot dead. The murder was said to have had nothing to do with politics.

On February 23 the Pir Pagaro, after a three weeks' trial before a military court, was found guilty of abetment, conspiracy and preparation to wage war on the King-Emperor and condemned to death. He appealed to the Governor-General without result, and on March 20 he was executed at Hyderabad. Meantime the last stages of the suppression of the revolt he had abetted were being carried through. By midsummer most of the Hur leaders had been captured, and large stores of arms, and hidden treasure unearthed. On May 31 martial law was withdrawn. Apart from the Hurs, Sind, like the Punjab, has had little trouble in this period in the field of law and order.

In Assam and Orissa there has been no important change since the end of 1942, except in so far as the Ministry's position has been strengthened, especially in Orissa, by the suppression of the Congress organisation and the arrest of several of its local leaders.

It had been thought possible at one time that the Central Provinces might follow Orissa's lead and resume responsible government with a non-Congress majority in the legislature; but nothing has so far come of this. The Congress control of the North-West Frontier Province, on the other hand, has been interrupted. As pointed out in Part II,<sup>2</sup> it could never be so firm in that particular Province as in the other 'Congress Provinces', and it was weakened in the course of the winter of 1942-3 and the following spring by the steady growth of the Moslem League. The Pathans were even less disturbed by the rebellion in 1942 than the people of the Punjab and Sind. In these circumstances the protracted attempts of the Provincial League leader, Sardar Aurangzeb Khan, to organise a majority in the Assembly were finally successful; and on May 25 the Section 98 Proclamation was revoked and the Sardar took office as Premier with three other Moslem Ministers and one Sikh. Four recent by-elections have resulted in decisive victories for the League.

<sup>1</sup> *Times of India*, March 4, 1943.

Part II, 121-3.



Thus, for the first time since the Congress resignations in the early days of the war, a majority of the Provinces, six out of eleven, are now operating the constitutional system established by the Act of 1935; and all their Governments, responsible to their elected legislatures, are fully committed to the war-effort.

## 2

Meantime, the greatest political party in India has been out of action. One or two of the Congress leaders, such as Mrs. Naidu and Mrs. Pandit, have been released on personal grounds, but all the rest of them, save those few who are still in hiding, remain in custody. Mr. Gandhi's attempt to obtain release by fasting for three weeks (February 10 to March 2) is too well known to need any detailed record here. That Hindu emotion was deeply stirred there can be no question; and, when the aged Mahatma had undergone six days of his ordeal and was reported to be growing weaker, three members of the Central Executive Council, Mr. Aney, Mr. N. R. Sarker and Sir H. P. Mody—the two former both Hindu ex-Congressmen and old friends of Mr. Gandhi—resigned their posts. They had all shared in the Council's unanimous decision to arrest the Congress leaders in the previous August, nor had they differed from their colleagues, as far as is known, in their attitude to the subsequent rebellion; but they felt—and, no doubt, the bulk of the Hindu intelligentsia agreed with them—that Mr. Gandhi ought not to be allowed to die.

The attitude of the Government was made clear by the publication of the correspondence between Lord Linlithgow and Mr. Gandhi on the eve of the fast.<sup>1</sup> The cardinal points of it were, on the one hand, Lord Linlithgow's invitation to Mr. Gandhi to abandon the policy of August 1942 and to give assurances for the future, and, on the other hand, Mr. Gandhi's insistence that he had 'not any conviction of error' and that 'the whole blame' for the tragedy of the previous autumn lay with the Government of India—a point of view which it is difficult for open-minded observers to accept in the face of what Mr. Gandhi actually said in the course of the weeks preceding his arrest.<sup>2</sup>

The Government's subsequent refusal to change its policy of keeping Mr. Gandhi from personal contact with the outer world was presumably due to its belief that, unless and until he disavowed the policy of rebellion, his political activity could do nothing but harm, and might, if the fortunes of war on the eastern frontier took a turn for the worse, become again a serious danger to the peace and safety of India. It was argued, on the other hand, by Mr. Rajagopalachari among others, that no progress could be made towards an inter-party or intercommunal settlement without Mr. Gandhi,

<sup>1</sup> *The Times*, Feb. 11, 1943.

<sup>2</sup> The evidence of Congress complicity in the rebellion given in Part II, chap. xxii has been confirmed and amplified by the pamphlet *Congress Responsibility for the Disturbances*, published by the Central Government and reproduced as a White Paper (Cmd. 6490). It would have been a more effective document if it had confined itself to a statement and elucidation of the facts and not argued at length the clear case to be drawn from them.

and that, if he was given the chance, he would probably show a more conciliatory and co-operative temper than he did in the critical period before his long seclusion.

Meanwhile, it was evident, as time went by, that the impulse of rebellion in the country at large had spent its force. There was no recurrence of large-scale disorder, and there were fewer isolated acts of terrorism. It must be remembered, however, that most of those who incited or took the lead in the disturbances of 1942 have been out of action. In May over 23,000 were still serving sentences of imprisonment and over 12,000 were still in detention.<sup>1</sup>

The authority, entrusted to the executive by the Defence of India Act of 1939,<sup>2</sup> to detain persons reasonably suspected of certain offences was the subject of a judicial decision which attracted some attention in the world as a striking example of the power of the judiciary to challenge the conduct of the executive in accordance with British traditions of the Rule of Law. On April 22, when Sir Maurice Gwyer sat for the last time as Chief Justice of India, the Federal Court decided that a Rule made under the Act, authorising the Central and Provincial Governments to order the detention of suspected persons, was so drafted as not to be consistent with the section of the Act to which it related. The Court was 'compelled therefore to hold that Rule 26 in its present form goes beyond the rule-making powers which the legislature has thought fit to confer upon the Central Government and is for that reason invalid'.

Our decision [said the Chief Justice] may be the cause of inconvenience and possibly embarrassment, even though temporary, to the executive authority. We regret that this should be so, especially in these difficult times; but we express the earnest hope that greater care may be taken hereafter to secure that powers of this extraordinary kind—which may affect and have indeed affected the liberty of so many of the King's subjects in India—may be defined with greater precision and exactitude, so as to reduce to as small a compass as possible the risk that persons may find themselves apprehended and detained without legal warrant.<sup>3</sup>

On April 28 the Governor-General promulgated an Ordinance<sup>4</sup> which substituted for the section dealing with detention in the Defence of India Act a new section having retrospective effect, and validated orders already made under Rule 26. The validity of this Ordinance was at once questioned, but the Allahabad and Madras High Courts upheld it.

### 3

It was recorded in Part II that the other Hindu parties condemned the extremist plans of the Congress leaders, and the breakdown of the plans and the arrest of the leaders might have seemed to offer those other parties an opportunity of taking the field and seeking to rally public opinion to a more

<sup>1</sup> N.W.F.P. excluded. *Hansard*, H. of C., vol. 391, col. 2436.

<sup>2</sup> Part II, 212.

<sup>3</sup> *Reuter*, New Delhi, April 24, 1948.

<sup>4</sup> Under Section 72, Schedule IX, Act of 1935.

moderate and constructive policy. The Liberals, for example, aware that the Hindu-Moslem deadlock is mainly due to claims or fears about the future government of India and remembering the important part they played in the constitutional debate before 1935, might have taken up the task entrusted to Sir Tej Bahadur Sapru by the Non-Party Conference in the summer of 1941<sup>1</sup> and set on foot an inquiry into the principles of the new constitution. Such a move might conceivably have opened the way to inter-party discussion and to a more detailed and concrete study of constitutional possibilities. But the Liberal leaders seem to have come to the conclusion that no progress was possible without the Congress, and they have mainly concerned themselves with criticism of the Central Government and appeals for the re-opening of negotiations with Mr. Gandhi.

To the Mahasabha the removal of Mr. Gandhi and his colleagues from the political stage and the suppression of the Congress organisations in most of the Provinces may well have seemed a more direct incentive to action than it did to the Liberals. Sooner or later, no doubt, the ban would be lifted, but in the meantime had not the Mahasabha leaders been given a chance to prove themselves wiser and more realistic champions of Hindu interests than the Congress 'high command'? In the previous autumn Mr. Savarkar had dissociated himself from Congress 'extremism',<sup>2</sup> and in February he carried a resolution declaring that 'fasting as a political weapon used to bring about constitutional changes and political revolutions, irrespective of their inherent merits or demerits, especially in the conditions in India, is bound to be futile, detrimental and suicidal'.<sup>3</sup> In June he made a more constructive move. He had always taken the line that the resignations of the Congress Ministers in 1939 were a mistake and that members of the Mahasabha should retain their seats in Provincial Governments and legislatures despite their disapproval of British policy. Now he applied the same doctrine to the question of disagreement with the Moslem policy of Partition. Hindu Ministers in a Moslem-majority Province—and he clearly had Sind in mind—should record a protest if their Moslem colleagues declared their support of Pakistan, but they need not resign. Similarly—and this was of more practical importance—he suggested that 'the question of Pakistan or self-determination to secede' should be 'left entirely outside ministerial scope' in Hindu-majority Provinces. That barrier gone, Hindus in those Provinces should take the initiative in trying to form Hindu-Moslem coalitions with a view to the restoration of responsible government.<sup>4</sup> This proposal seems to have been favoured by some of the Congress leaders in the United Provinces who were still at liberty,<sup>5</sup> and a similar response was reported in the Central Provinces and Madras. At the time of writing, nothing more substantial seems to have

<sup>1</sup> Part II, 257.

<sup>2</sup> *Ibid.*, 294.

<sup>3</sup> *The Mail*, Madras, Feb. 15, 1943.

<sup>4</sup> Press telegram, New Delhi, June 11, 1943. On August 1 Mr. Savarkar resigned the Presidency of the Mahasabha (which he had held for over five successive years) on grounds of health. *Reuter*, Bombay, Aug. 1, 1943.

<sup>5</sup> Press telegram, New Delhi, July 2, 1943.

happened, but, whatever comes of the move, it is significant. It accords with the growing body of opinion among moderate or non-party Indians that Indian conditions are not suited to government by single-party Cabinets of the old British type.<sup>1</sup>

## 4

If the Mahasabha has profited from the sequestration of the Congress 'high command', so and more so has the League. It condemned the call to rebellion and held strictly aloof from the disturbances it provoked; and in the early months of 1948 it was steadily consolidating its position in the Moslem-majority Provinces. On March 8 came the Sind resolution in favour of Pakistan. This was warmly commended at a meeting of the League Council on March 7, when Mr. Jinnah was elected President for the eighth year in succession. On April 18 Sir Nazimuddin was commissioned to form a Government in Bengal. On April 28 the thirtieth Session of the League opened at Delhi.

It was, perhaps, the most impressive Session in the League's history, and it was certainly a personal triumph for Mr. Jinnah. His presidential address evoked the same sort of unquestioning response as Hindu audiences have habitually accorded to Mr. Gandhi. But, though he spoke for three hours, he broke little new ground. He asserted once again that the League's policy was the only policy by which India might quickly obtain her freedom. He accused the British Government of wanting to preserve the unity of India only in order to take advantage of the real disunity which any formal union must provoke. The Congress leaders, for their part, wanted, he said, to 'turn the whole of India into a Gandhi *ashram*'; but a Hindu Raj would be resisted 'as long as life is left in a single Moslem'. He appealed to the Hindus to disown the policy of domination.

Let us sit down as two equals and come to a settlement. . . . I ask you how you can keep on saying that it is the British who keep us apart. . . . Why should not the country say 'Unite and drive the British out'? . . . If we cannot secure power as a united India, let us take it as a disunited India. . . . The quickest way to the freedom of the people of India, both Hindus and Moslems, is Pakistan.<sup>2</sup>

As to the meaning of Pakistan—its boundaries, its constitutional framework, its economic prospects—Mr. Jinnah was as reticent as ever. The only new point he made might be taken as a refutation of the charge that the League is an upper-class organisation, not interested in the welfare of the common people. 'If the landlords and capitalists are wise,' he said, 'they will adjust themselves to the new and modern conditions of life.' Pakistan would not stand for the poverty of the masses.<sup>3</sup> But in his exposition of the general principle of Pakistan there was a new tone, a sharper insistence than before on the completeness with which Pakistan must be separated from the rest of India.

<sup>1</sup> See pp. 25, 63 below.

<sup>2</sup> *Times of India*, April 26, 1948.

<sup>3</sup> *Ibid.*

There is no such thing as a 'loose federation'. When a Central Federal Government is established, it will tighten and tighten till the units are pulverised. . . . It is not of much importance whether the units in theory have the residuary powers or the Centre. Once the units accept the basis of a federal Central Government, it follows that it will inevitably and out of sheer necessity resolve itself into an all-powerful Central authority and the units will be compelled to grant and delegate more and more powers to the Centre. We are opposed to any such scheme, nor can we agree to any proposal which has for its basis any conception or idea of a Central Government, federal or confederal, for it is bound to lead in the long run to the emasculation of the entire Moslem nation, socially, educationally, culturally, economically and politically, and to the establishment of a Hindu majority Raj in this sub-continent.<sup>1</sup>

The main resolution carried at the Session drove this separatist doctrine home. It repeated the passage in the Working Committee's resolution of the previous August which called on the British Government to declare that it would give effect to a Moslem plebiscite on Pakistan, and expressed great concern that this appeal had been ignored.

Since that resolution was passed, the speeches and statements made by responsible British statesmen, both in England and in India, lead to the conviction that not only the declaration as was asked for will not be forthcoming, but that some kind of federal constitution, not necessarily on the model of the Act of 1935, is under contemplation. This Session, therefore, warns the British Government in all earnestness that the imposition of such a constitution will be resisted by Moslem India with all its might, which will inevitably result in strife, bloodshed and misery, the responsibility for which will rest on the British Government alone.<sup>2</sup>

The resolution concluded with a call to Moslems to do their utmost to acquire the strength needed to attain 'the cherished goal of Pakistan'.

Thus, if the Congress 'high command' can be accused of the main responsibility for the widening of the Hindu-Moslem breach in 1937, the League 'high command' can be accused of stretching it now to its utmost limit. Nor is that the only analogy that can now be drawn between the Congress and the League. For Mr. Jinnah, who for some time past has exercised a personal dictatorship in the League similar to Mr. Gandhi's in the Congress, has also for some time past been trying to impose the same sort of unitary control on the 'League Ministries' in the Provinces as the Congress 'high command' imposed on the Congress Ministries; and the League's growing strength has enabled him to give a turn to the screw. At the Session he spoke of the new Ministries in the Punjab, Bengal, Assam and Sind—and the Premiers of three of those Provinces and other Ministers from all of them were among his audience<sup>3</sup>—as if they were the League's creation; and he warned them that, unless they remained 'within the orbit of the fundamental principles and policies of the League', they would lose its support. 'I regret to say', he went on, 'that the Punjab has not yet

<sup>1</sup> *Times of India and Leader*, April 27, 1943.

<sup>2</sup> *Times of India*, April 27, 1943.

<sup>3</sup> The Premier of Bengal was engaged in the final construction of his Ministry, the personnel of which was announced on April 24.

played the part it ought to play and is entitled to play because, remember, the Punjab is the cornerstone of Pakistan.'<sup>1</sup> The hint was not lost on his listeners, and there was a significant outburst of cheering when, at a later stage of the proceedings, the Premier of the Punjab rose to support the main resolution of the Session. The Punjab Moslems, he said, were with their brothers of the other Provinces, and if any obstacles were put either by the British or by the Congress in the way of the legitimate and reasonable demands of Mussalmans, the Punjab Moslems would not lag behind others in making sacrifices.<sup>2</sup>

It remains to be seen to what lengths Mr. Jinnah will be able to apply the Congress technique of unitary control. The Congress Ministries, it must be remembered, were 'pure' Congress, whereas the Ministries in the Punjab, Bengal, Assam and Sind are none of them 'pure' League, since they all contain Ministers who, not being Moslems, cannot be members of the League. These Ministries may not be coalitions in the full sense of the word because they are not combinations of the strongest parties; but they profess allegiance to the coalition principle and their leaders appeal for intercommunal co-operation. To a greater or less degree, therefore, according to the local circumstances, they are bound to be embarrassed by being identified with the League and still more by being subjected to the pressure of its 'high command'. It was not unnatural, for example, that Sir Chotu Ram, the forceful Hindu Revenue Minister in the Punjab, should sharply react against the proceedings at Delhi. The fact, he said, that the Premier and most of his supporters were Moslems did not make the Punjab Ministry a League Ministry.<sup>3</sup>

While the Punjab remains the key-Province of Moslem politics, the League has been gaining strength across its western frontier. A month after the Delhi Session, another 'League Ministry' was formed, as has been seen, in the North-West Frontier Province. A few weeks later Mr. Jinnah visited British Baluchistan. Opening the third Session of the Baluchistan Provincial branch of the League, he said that it had authorised him 'to examine the possibilities of Baluchistan being maintained as a separate Province, after its amalgamation with the three other units of North-West Pakistan, viz. Sind, the Punjab and the North-West Frontier Province'. At Pishin he congratulated a gathering of Pathans on organising themselves in the good cause. 'If you continue to work in the same spirit,' he is reported to have said, 'then, I assure you, the time is not far off when we shall establish our homeland of Pakistan.'<sup>4</sup>

Thus the 'orbit' of the League—and of its doctrine—has steadily expanded during 1943. No impartial onlooker can doubt the fact that it now holds at least an equivalent position among Indian Moslems to that which the Congress holds among Hindus. There are other Moslem parties. The All-India Azad Moslem Conference, which met twice in 1940 and once in

<sup>1</sup> *Times of India*, April 26, 1943.

<sup>2</sup> *Leader*, April 29, 1943.

<sup>3</sup> *Civil and Military Gazette*, April 29, 1943. <sup>4</sup> Press telegram, New Delhi, June 24, 1943.

1942, is backed by the President of the Congress, Maulana Abul Kalam Azad, and other Congress-minded Moslems; but its proceedings were reported to have made no deep impression on the bulk of Moslem public opinion. The All-India Momin Conference claims to represent a vast number of Moslem workers, and at its eighth Session, held at Delhi at the same time as the League's, its President, Dr. Zahir-ud-Din, described the Momins as the 'Depressed Classes' of Moslem India.<sup>1</sup> Certainly their opposition to the League can no more affect the main current of politics than the Scheduled Castes' opposition to the Congress. The same may probably be said of the new Moslem party, the 'Moslem Majliss', founded in Calcutta at the end of May to combat Mr. Jinnah and Pakistan and to work for Indian freedom on a federal basis and by intercommunal co-operation.<sup>2</sup> All such evidence of disunion or of personal antagonism<sup>3</sup> within the Moslem ranks is outweighed by two more substantial factors—the support commanded by the League in the Provincial legislatures and the success of its candidates at by-elections. Since the beginning of 1938, 73 Moslem members of the Central and Provincial legislatures have been elected. Three-fourths of these elections have been ordinary by-elections in 'separate' Moslem constituencies. The rest have been the triennial elections, partly made by the lower houses of certain Provincial legislatures to fill the places of the proportion of the members of the second chambers retiring under the Act of 1935. Of these 73 seats, 40 have been won by the League, 12 by the Punjab Unionist Party in combination with the League, 15 by Independents and 6 by the Congress.<sup>4</sup>

## 5

Against this background of stiffening separatism the cardinal principle of British policy—that the future of India now lies in Indian hands—stands unchanged. The primary pledges of 1942 have not been withdrawn. No one in Britain questions that, as soon as Indians can come to an agreement as to the system or systems of government under which they wish to live, the full and final transfer of power will be made. No one doubts that such matters as would have to be adjusted between a free India and Britain could easily be settled by mutual consent.

While the principles of British policy remain unaltered, there have been changes in the personnel of the administration. In July 1942 the Central Executive Council consisted of fifteen Members besides the Viceroy. Eleven of them were Indian and four British.<sup>5</sup> There are now fourteen Members besides the Viceroy. General Auchinleck has succeeded Field-Marshal Wavell as Commander-in-Chief. Sir Reginald Maxwell, Sir Jeremy Raisman and Sir Edward Benthall have retained their posts in the Home, Finance and War Transport departments. Of the ten Indian

<sup>1</sup> Press telegram, New Delhi, April 30, 1943.

<sup>2</sup> *Ibid.*, June 1, 1943.

<sup>3</sup> The assault on Mr. Jinnah on July 26 is believed to have been the act of an irresponsible fanatic and to have had no political significance. *The Times*, July 27, 1943.

<sup>4</sup> For details up to September 1942, see Part II, 333.

<sup>5</sup> Part II, 230.

Members, Sir Firoz Khan Noon, Sir J. P. Srivastava,<sup>1</sup> Sir Jogendra Singh, Sir Muhammad Usman and Dr. Ambedkar have remained in charge of the Defence, Civil Defence, Education, Posts and Air, and Labour departments. Sir Sultan Ahmed has become Member for Information, and Sir Asoke Kumar Roy has taken his place as Law Member. Sir Ramaswami Mudaliar, having attended, as Member without portfolio, the meetings of the British War Cabinet in London in the earlier months of 1948, has now succeeded Sir H. P. Mody as Member for Supply. The other two vacancies created by the resignations at the time of Mr. Gandhi's fast have been filled by Sir Azizul Huque, who has returned from his post as High Commissioner for India in London to succeed Mr. Sarker as Commerce Member, and by Dr. N. B. Khare, Premier of the Central Provinces from 1937 to 1938,<sup>2</sup> who has succeeded Mr. M. S. Aney as Member for Indians Overseas. Mr. Aney has been appointed to represent the Government of India in Ceylon—a new post corresponding to the post of representative of the Ceylon Government in India created in 1942. Sir S. E. Runganadham, previously one of the Secretary of State's Advisers, has become High Commissioner.

The most important change in administrative personnel has occurred at the top. It was announced on June 18 that Sir Archibald Wavell had been appointed to succeed Lord Linlithgow when, after holding office for a longer time than any of his predecessors since the Mutiny, and in more difficult and dangerous circumstances than any of them since then have had to face, he ceased to be Viceroy in October. The appointment took the public by surprise both in Britain and in India. It was warmly welcomed in the British Press. Some nationalist Indian newspapers condemned it outright as proof that the 'Linlithgow policy' was to be continued 'with the additional touch of a military mind', but others recognised that the choice was necessarily linked with the hard fact that the Japanese were still at the gates of India and that Sir Archibald Wavell's political opinions were unknown and should not be prejudged. On this last question the Viceroy-designate himself threw some light in the course of a Press Conference on June 22. 'I am a sincere friend of India,' he said, 'and am wholeheartedly in sympathy with her aspirations to political development', but he pointed out that the attainment of her goal requires 'the removal of the Japanese menace'. The greater her war-effort, 'the sooner will the shadow of war pass from her and the earlier can she achieve her aim of full self-government'.

This does not mean that I go to India as a soldier or that there can be no political progress before the end of the war. I have put off my uniform—with what regrets you may imagine—and ended my active military career in the hope that I can better serve our cause and India as a civilian. There is certainly no intention to set up anything in the shape of military rule or

<sup>1</sup> Sir J. P. Srivastava took over the Food Section of the Commerce department in August.

<sup>2</sup> Part II, 128-4.



to withdraw or weaken in any way the pledges and offers already made to India by His Majesty's Government. It will naturally occur to you that it is not so easy to put off a military habit of mind by a simple change of garb. But it is a mistake to think that a soldier's mind is always occupied with military affairs. I have had some experience in other countries with the machinery of government and with political developments; and as a Member of the Viceroy's Council for the last two years have at least gained some knowledge of India's problems and administration. I am very well aware how little I know of that vast country; and in the weeks before my departure I shall apply myself to studying the situation, seeking advice; and, I hope, to preserving an open mind. . . . I am under no illusion as to the difficulties ahead, but I have confidence in India's future and hope that men of wisdom and goodwill may be found to help her to the position in the world to which her history, the size of her population, her importance and her traditions of industry and kindness entitle her.<sup>1</sup>

'Political progress before the end of the war'—that aspiration accords with the British as well as the Indian mood. The British people want the Indian deadlock to be broken; and it could be broken if the major forces of Indian public opinion could come to terms. Political progress would then be possible at once and in two ways. If only the Indian leaders were agreed about it, they could obtain without delay—as the Cripps Mission made plain<sup>2</sup>—a greater measure of real political power than they now enjoy without any drastic change in the existing constitution. And, though there are practical difficulties in bringing about the final transfer of power from Britain to India before the cessation of hostilities, would it not be possible—if only the Indian leaders would favour it and share in it—to begin forthwith the discussion of the constitutional problem and to work out at least the main principles of its solution? If such an effort were made, and, despite the doubters, proved successful, then India would be ready, when the final victory was won, to enjoy with little delay the national freedom which victory had saved for her and to take her rightful part, too, as an independent nation, in building a new international order of the world.

<sup>1</sup> *The Times*, June 23, 1943.

<sup>2</sup> Part II, chap. xxi.

## CHAPTER II

### DIAGNOSIS

#### 1

It has become abundantly clear in the course of this inquiry that the Indian situation is not a simple case of nationalism in revolt against foreign rule. It more nearly reflects the situation described by Lord Durham in a famous passage of his great Report.

I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle not of principles but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English. . . . Our happy immunity from any feelings of national hostility renders it difficult for us to comprehend the intensity of the hatred which the difference of language, of laws and of manners creates between those who inhabit the same village and are citizens of the same state. We are ready to believe that the motive of the quarrel is something else; and that the difference of race has slightly and occasionally aggravated dissensions which we attribute to some more usual cause. Experience of a state of society so unhappily divided as that of Lower Canada leads to an exactly contrary opinion. The national feud forces itself on the very senses, irresistibly and palpably, as the origin or essence of every dispute which divides the community; we discover that dissensions, which appear to have another origin, are but forms of this constant and all-pervading quarrel; and that every contest is one of French and English in the outset or becomes so ere it has run its course.

Durham went on to point out that, while the English minority were more eager than their opponents for economic and social reform, it was the French who took their stand on the principles of democracy, asserting 'the most democratic doctrines of the rights of a numerical majority'. In these circumstances, and in view of the recent aggravation of the feud by the abortive French rebellion, Durham declared that 'never again will the English population tolerate the authority of a House of Assembly in which the French shall possess or even approximate to a majority'.<sup>1</sup>

Durham had gone out to Canada with the idea that the problem could be solved by a federation of the Provinces, but he was so much impressed by the bitter hostility between the races that he came to the conclusion that it was neither safe nor, in view of British opposition, practicable to leave the French Canadians in a majority in a Province of their own. He therefore recommended the reunion of Upper and Lower Canada into the single Province it had been before 1791, in the belief that the French Canadians, confronted in a United Canada with a British majority steadily

<sup>1</sup> *Durham Report* (Oxford, 1912), ii, 16-17, 22, 26, 53.

increasing as a result of immigration, would gradually become assimilated to it in language and ways of life until their distinct nationality had virtually disappeared. Durham's advice was followed in the Union Act of 1840, but it proved mistaken. French-Canadian nationalism, fortified by its faith, proved far more tenacious than Durham had expected. More self-conscious, indeed, and more self-confident than before, it stubbornly resisted the policy of denationalisation and subordination. The adoption of Durham's second proposal—responsible government in Provincial affairs—did not ease the situation; and it was presently evident that, though they had common economic interests and though each of them was divided in itself to left and right, the gulf between the two communities was too wide for a unitary parliamentary system to be practicable. The deadlock was only resolved when the leaders of both communities came together and decided to revert to Durham's 'first thought'. In 1867, a new constitution, framed by them, accepted by the British Government and enacted by Parliament, redivided United Canada into the Provinces of Ontario and Quebec and linked them with their neighbours in a federal pan-Canadian State which, as soon as it was ready for it and wanted it, acquired Dominion Status.

Seventy-six years of Federation have not eliminated the race problem in Canada. It still generates heat from time to time on certain issues. But it is no longer dangerous. Wild talk about secession, such as was current in the early days of the quarrel, has long been hushed. The French-Canadian minority, which numbers about one-third of Canada's total population of some 11½ millions, is content with its status. For this there seem to be three main reasons. (1) First and foremost it is safely and solidly established in its own old 'national home', the Province of Quebec. For it possesses a majority there of 81 per cent., and under the constitution, which allots the control of education and by implication, if not by definition, of the other social services to the Provinces,<sup>1</sup> it exercises complete autonomy. Its religion, its language, its habitual ways of life are secure from external interference. (2) Secondly, owing to its geographical position and mineral resources, the economic interests of Quebec are broadly identical with those of Ontario, and, unlike some other Provinces, it has had no reason to complain of the Federal Government's fiscal policy. (3) Thirdly, the French Canadians have shown a practical political sense and solidarity which have given them greater strength at the Centre than they would otherwise have enjoyed. If they obtain the support of a fair-sized section of opinion outside Quebec, they can dominate federal politics. As a result of this a convention has been established under which the French Canadians are always represented in the Federal Government, and there seems to be at least an understanding, if not yet a regular convention, that on any issue of first-rate

<sup>1</sup> The Girou Commission on Inter-Provincial Relations, reporting in 1938, strongly recommended that all residuary power in the field of the social services should be vested in the Provinces.

importance the Federal Government will not adopt a policy to which its French-Canadian members are resolutely opposed.<sup>1</sup>

Thus the Federation of Canada provides an encouraging example of a multi-national State. It combines freedom with unity, and its young life is the richer for being linked with more than one great cultural tradition of the Old World.

A second analogy with the Indian situation deserves attention, because, though similar in some respects to the Canadian analogy, the story it tells has had another ending. The Irish problem is akin to the Canadian problem in so far as it arises from a difference of race, stiffened by a difference of religion. And up to a point the method of dealing with it was the same. Ireland was united with Britain on the morrow of an Irish rebellion and mainly for strategic security. It was hoped that the Irish would be merged in British politics, as the Welsh and Scots had been merged, and divide, as they had divided, on other than nationalist grounds. But the Irish constituted an even more solid block than the French Canadians. Their interests and grievances were purely Irish. They shared no common ground with British parties. They were nationalists and nothing else, and doomed as such to the status of a permanent minority. Yet it was a strong enough minority to make it as clear in the British Isles as it had been clear in Canada that the smooth working of parliamentary government of the British type is impossible in a State which is not sufficiently homogeneous. Unhappily the Canadian solution of the deadlock was not attempted. A reconstruction of the constitution on federal lines was never seriously considered. The 'Home Rule' policy was not federal: it did not contemplate a federal government for the British Isles distinct from the Government of Britain; nor did it apply the federal principle to Ireland itself. Ireland was to have a single parliamentary system; and it was mainly because that would reproduce at Dublin the converse of the situation which had so long existed at Westminster that 'Home Rule' was defeated. For the Ulster Protestants were prepared to fight rather than submit to Catholic majority rule. So the deadlock persisted till finally, after the tragic events of the first World War and its aftermath, the knot was cut by Partition—a twofold Partition, since it not only divided the British Isles but also divided Ireland itself, and a Partition which did not solve the minority problem, since, while the Protestant minority of 6 per cent. in Eire may acquiesce in the new régime, the same cannot be said of the Catholic minority of 88 per cent. in Northern Ireland.

The points of similarity between the Indian problem and these Canadian and Irish problems are clear enough. In all three cases it is the problem of a society in which the minority is so different from the majority that a parliamentary system based on simple majority rule cannot work. And in India, as in Canada and the British Isles and in Ireland itself, the minority

<sup>1</sup> The refusal of Mr. Mackenzie King's Government to introduce conscription for military service in the present war seems to be an example of such an understanding.

is a majority in a certain geographical area which it regards as its 'national home'. But historical analogies are never exact, and a closer examination of the Indian problem will show how different it is in many ways from the Canadian or the Irish problem, and, as the examination proceeds, it may seem possible that the solution of it may be different too, that India may resolve the deadlock neither by Partition nor by Federation, but by something between the two.

## 2

What then is the essence of the Indian problem? What are the solid obstacles that must be overcome if it is to be solved?

There are several, but only one is of cardinal importance. The division between British and Indian India is not that one. The difficult and complex problem of the States cannot, of course, be brushed aside, but it is not the major problem, and for that reason the discussion of it will be postponed to a later chapter. Of the chief communities engaged in the British Indian controversy one of the most important is the Scheduled Castes: they number nearly 50 millions, and they are entitled to the fullest protection of their minority rights; but they are weak in organisation and resources, and are more concerned to promote than to contest a settlement in which the greater parties concur. The Sikhs, though they number less than 6 millions, are a formidable body, but their problem is a local problem, and it ought not to prove impossible to solve it on local lines. The membership and influence of the Hindu Mahasabha have been steadily growing during the last few years; but the cause of that growth has been the deadlock and the 'extremism' it has inevitably fostered; and it is scarcely conceivable that, if the deadlock could be broken, the intransigence of the Mahasabha could prevent a settlement. There remain the Congress and the League—the one far the strongest Hindu party (for it is predominantly Hindu), the other far the strongest Moslem party. It is in the conflict between these two great parties or, more strictly, in the Hindu-Moslem schism which that conflict reflects that the supreme obstacle to an agreement is to be found. Is it not reasonably certain that, if a general Hindu-Moslem settlement could be achieved with the backing of the Congress and the League, the full and final enfranchisement of India would be in sight?

In order to assess the possibilities of such a Hindu-Moslem settlement it is necessary to understand, as clearly as may be, what the quarrel is about and why it has become so much exacerbated in recent years. It is at root a cultural conflict—a conflict between two religions and the sharply contrasted ways of life and thought they impose on their adherents.<sup>1</sup> Except

<sup>1</sup> For a fuller analysis see Part I, chap. iii. Western readers may not easily appreciate the extent to which religion permeates Indian life. The average Indian thinks of himself first as a Moslem or a Hindu of a certain caste and so forth. Not until this religious group-consciousness has been eclipsed, as it has long been in most Western countries, by a sense of allegiance to some other kind of group will Indian politics cease to be dominated by religious differences.

on the north-west frontier there is little difference of race. But the cultural conflict is reinforced by political tradition. The Hindus look back to a golden age of Hindu empire before the Moslem invaders came. The Moslems recall the time, less than three hundred years ago, when they ruled over most of India and treated the Hindus as a subject people. They remember, too, that, while the Hindus have little footing in the outside world, the Moslems, though a minority in India, belong to a great fraternity whose habitation stretches from the borders of India across the Middle East to the Mediterranean and the Atlantic.

It is this political aspect of the feud which now dominates all else, and the reason for that is crystal clear. In the earlier or autocratic stage of British rule in India the political tradition was concerned only with the past: it had no present meaning. Neither Hindus nor Moslems possessed political power: nor had they any reason for anxiety lest it should be used by those who did possess it to the disadvantage of one religion or the other. Religious peace was part of the *Pax Britannica*. Toleration was imposed by a neutral authority. But the birth of Indian nationalism brought politics into the picture, and inevitably, almost automatically, Hindu-Moslem antagonism grew with its growth. A movement to free India from its British rulers was bound, whatever its political ideology might have been, to raise the question who were to take those rulers' places; and Indian nationalism raised it in the sharpest form because, breaking away under British tutelage from Indian tradition, it adopted from the outset the democratic ideology of the West. Crudely interpreted, democracy means the rule of the majority, and Indian Moslems were well aware that they numbered rather less than one-quarter of the Indian people.

This explanation is not an example of wisdom after the event. Time after time British statesmen protested that democratic self-government as generally practised in the West, and particularly the British form of it, could not operate successfully in India mainly because of the Hindu-Moslem schism: and, when at last the parliamentary principle was conceded, the concession was admittedly an act of 'faith'. The authors of the reforms of 1919—and that was the decisive step—appealed to the communities to subordinate their sectional interests to the greater welfare of the whole in order to achieve the goal of Indian nationhood. 'The vision is one that may well lift men up to resolve on things that seemed impossible before.'<sup>1</sup>

Those hopes were not fulfilled. Hindu-Moslem tension increased. There were more, not fewer, riots. Conceivably, if the system of representation had been wholly non-communal, a beginning at least might have been made of intercommunal co-operation for political purposes. But representation by communities was regarded—even by those who, like Lord Morley, were strongly opposed to it in principle—as an unavoidable necessity, though in fact it undermined the foundation of parliamentary government.

of the British type; and the effect of communal representation was stiffened by the firm refusal of the Moslems to dispense with separate electorates. The result was a steady growth of communal self-consciousness in politics as in everything else. Conceivably, again, the 'faith' of 1919 might have been ultimately justified if the gradual method then contemplated for the advance to full self-government had been very gradually applied. But that was quickly ruled out by the new zest and strength of Indian nationalism, backed by the current of ideas set flowing by the first World War. The Act of 1935 abandoned 'gradualness'. It brought the development of Indian self-government up to its last stage, a stage that could be crossed without further legislation. In 1937 the end of the process was reached or almost reached in the Provinces, and, when the second World War broke out, its culmination at the Centre was clearly in sight. Thus there was no long period of transition during which Hindus and Moslems could enjoy a substantial, if imperfect, measure of self-government and learn, so to speak, to play the game while the neutral umpire was still there to watch it. Somehow or other, it was generally agreed, the complete emancipation of India would be one of the more or less immediate results of the war. Thus, before they had expected it, and before they were prepared for it, the rival communities were confronted with the imminent prospect of those British arbiters going home and leaving the scales of justice between them entirely in their own hands.

This sharp acceleration in the pace of political advance was inevitably accompanied by an equally sharp accentuation of communal schism. The old gulf widened so fast and so far that presently it threatened to break India in two. In 1940 Mr. Jinnah and the League committed themselves to the policy of Pakistan. The gravity of that decision was unmistakable: for it meant that the Moslem leaders had wholeheartedly accepted the 'two-nation' doctrine and would preach it henceforth with redoubled zeal. And the spread of that doctrine and of the idea of separation to which it logically led was bound to make Indian Moslems more aware than most of them had ever been before that the faith which united them among themselves divided them from other Indians: it was bound to weaken their sense of community and strengthen their sense of difference. How far this tendency could go was illustrated by a booklet published in Lahore in 1941 which otherwise would scarcely call for mention.<sup>1</sup> It sought to prove that the Moslems could not form any kind of political union with the Hindus because *inter alia* the climate of the area in which most of the Moslems live is drier and cooler than that of the predominantly Hindu areas, because Moslems eat wheat and Hindus rice, because camels are found only in the Moslem North-West and coconuts and rubber only in the Hindu South, and so forth—all illustrated in the scientific manner by maps showing the distribution of the rainfall and the cereals and the camels and the coconuts. Nor was the 'extremism' of the new Moslem attitude the only dis-

<sup>1</sup> *Pakistan, a Nation*, by 'El Hamza'.

quieting factor in the situation. The demand for Partition not unnaturally provoked a counter-demand from the Hindus that 'the vivisection of Mother India' should never be allowed. Exaggeration of the differences in India was met by exaggeration of its unity. Controversy became bitter and bellicose. While the membership of the Congress, professedly non-communal and conciliatory, fell, the membership of the Mahasabha, frankly communal and militant, rose. Nor was it only among the politicians or the intelligentsia that the feud was now intensified. For some years past the extension of the franchise based on communal representation had been tending to give a new political edge to the old communal antagonism of the masses: now it was deliberately sharpened by the rival propagandists. Again the tension increased and the tale of rioting and bloodshed grew. It seemed, in fact, as if the great communities were lining up for battle, and there was widespread talk of a coming civil war. Pessimists even argued that civil war was almost a necessary incident in the process of achieving a united nationhood. Had not the great American Republic achieved it by that means?<sup>1</sup> Such desperate doctrine accorded too well with the sombre fatalism which still haunts so much of Indian thought and teaching, both Moslem and Hindu; and it was disquieting to observe that it was not instantly denounced by Indian leaders. Mr. Gandhi, for example, might have been expected to have felt at once the promptings of what he has called his 'irrepressible and out and out non-violence'<sup>2</sup> and to have said straight out that, whatever happened, Hindus and Moslems must not fight and that a settlement attained by force could not be a valid or durable settlement. But he did not take that line. 'We may have to fight amongst ourselves', he wrote in 1941;<sup>3</sup> and on subsequent occasions he alluded to civil war, not as a catastrophe to be avoided at all costs, but as something that might have to happen.<sup>4</sup>

## 8

No thoughtful observer of these developments will be tempted to underestimate the seriousness of the situation. Wishful thinking on the communal question has done harm enough in the past: it is clearly fatuous now. Civil war, it is true, may be only a nightmare. It is easier to talk of it than to launch it. It means more than widespread, sporadic rioting. It needs organised forces and modern arms. Nor should it be possible as long as there is any Government worth the name in India. But, apart from actual fighting, it may be that the gulf has now become too wide to be bridged. It may be that the unity of India has already been broken beyond repair. It may be that the only cure for her disease will seem in the end to be the surgical operation of Partition. But, if those possibilities cannot be ruled

<sup>1</sup> This strange argument overlooks, of course, the fact that the American Civil War was not fought to create a Union but to prevent the Southern States from destroying a Union which had been established by consent and had lasted more than half a century.

<sup>2</sup> Part II, 214.

<sup>3</sup> *Ibid.*, 259.

<sup>4</sup> *Ibid.*, 290, 298.



out, no one is entitled to assume that they are certainties. Is the outlook in fact as dark as it sometimes seems to be? Do the protagonists in the conflict really mean all they say? And, ready as Indians are to take their cue from their leaders, do the rank and file of the intelligentsia really contemplate a civil war? The long deadlock, aggravated by the world crisis, has bred in many of them, especially perhaps among the younger generation, a sense of impotence and frustration. They feel they have been caught in a current beyond their power to control. But now that it is plain to what it is flowing, now that the brink of the cataclysm is in sight, will they let themselves be carried over it without a struggle? Is it not probable that, if a just and honourable settlement could be achieved, the vast majority would rejoice at it? And the same applies to the millions of ignorant countryfolk. No doubt the party warfare has stirred them deeply. There is more communal suspicion and jealousy, more fear and hate, than there were. But can anyone imagine that Indian villagers prefer that kind of life? And it must be borne in mind how relatively short is the period in which the old feud has been worked up to its present pitch. Elderly folk can remember how as children they shared, Hindus and Moslems, in each others' religious festivals and even sat together at the feet of each others' spiritual teachers. Would they not like to get back to those times? And they are still, it must be repeated, amenable to leadership. If that just and honourable settlement were concluded, and if thereupon the communal leaders went about the country telling their people that peace had been made and their rights were safe, is it not probable that the tension would be at once relieved? There would still, no doubt, be quarrels on occasion: a trivial incident might still from time to time provoke a riot; but surely the talk of civil war would die away as quickly as it has arisen.

Is such a settlement inconceivable? Something will be said presently as to the change it would require in the attitude of the Congress 'high command'. It would not be an easy change, for the idea of taking charge of the destinies of India has long been lodged in Congressmen's minds. But it is otherwise with the League. The most significant point about its present policy is its novelty: the doctrine of Partition has been preached for so short a time that Moslem convictions about it can hardly yet have set in an unbreakable mould. The left-wing Moslems, with Mr. Jinnah at their head, have a long tradition behind them of co-operation with the Congress in the cause of Indian nationalism. In 1916 the Congress and the League concluded the Lucknow Pact.<sup>1</sup> In 1919 and 1920 their alliance was so close as almost to amount to fusion.<sup>2</sup> If they drew apart after the breakdown of the Caliphate Movement, it was not so very far apart. Mr. Jinnah, it seemed in those days, had no anxiety about the coming of a Hindu Raj. The communal problem was forced to the front and acquired a more concrete shape in the course of the long discussion which led up to the Act of 1935, but the Moslem leaders who took part in it—Mr. Jinnah among

<sup>1</sup> Part I, 47-9.

<sup>2</sup> *Ibid.*, 78.

them—never pressed their claims to the breaking-point. No agreement, it is true, was reached on communal representation by the communities themselves, but, when that question had been settled for the time being by the Communal Award, the Moslems accepted the general principles of the projected constitution. They may have had misgivings, but they seem to have trusted that their rights would be sufficiently protected in the future (1) by the continuance of 'separate electorates' and of 'weightage' in the Hindu-majority Provinces, (2) by the 'safeguards' for minorities both Central and Provincial, (3) by the allocation of one-third of the seats in the Central legislature to Moslems, (4) by the composite or coalition character which, it was thought, the Provincial and Central Governments would inevitably assume, and (5) by the neutralising influence which the representatives of the States might be expected to exert at the Centre. Throughout the discussion—and this is the vital point—an all-India federation of some kind was taken for granted. The idea that the political unity of India might be broken seems never to have crossed the mind of any of the Indian representatives. Questioned about Pakistan at the Joint Select Committee in 1938, the Moslem delegates brushed it aside: it was 'a students' scheme', they said, 'chimerical and impracticable'.<sup>1</sup> Finally, when the Act of 1935 was passed, Mr. Jinnah and the League only differed from the Congress leaders in acquiescing—as those leaders, too, ultimately acquiesced—in the new Provincial constitution and desiring to work it 'for what it was worth'. They agreed with the Congress leaders not only in rejecting the federal scheme, but as to their reasons for rejecting it. It was not because the scheme attempted to impose on India a closer unity than it could bear, not because it treated the Moslems as a 'minority' rather than as a 'nation', not because it established a system of parliamentary government under which at the Centre, as well as in seven out of the eleven Provinces, the Hindus would be in a permanent majority, but because the scheme was not sufficiently democratic, because it conceded too much to the sovereign rights of the Princes and withheld an immediate grant of full responsible government at the Centre.<sup>2</sup>

Those were the League's opinions, those were Mr. Jinnah's opinions, as late as the spring of 1937. By the autumn they had not merely been altered: they had begun to be reversed. By 1940 the reversal was complete. So far from insisting that the Centre must be more democratic, Mr. Jinnah now declared that there must be no Centre at all just because it would be democratic. So far from demanding constitutional concessions from the Princes, the League denounced the Congress agitation in the States.<sup>3</sup> This *bouleversement*, so startling both in the length to which it went and in the rapidity with which it happened, is clearly the most significant thing in the whole complex of Indian politics. It may indeed be said that to understand it and the reasons for it is to cut straight down to the core of the major problem and come near to finding a key to its solution,

<sup>1</sup> Part II, 199-200.

<sup>2</sup> *Ibid.*, 9-10.

<sup>3</sup> *Ibid.*, 197.

For, if it could be shown that this sudden and far-reaching change in Hindu-Moslem relations was not the inevitable outcome of inexorable circumstances, but that it was mainly, if not wholly, due to human mistakes, and if, as far as possible, those mistakes were undone, then is it too much to hope that, wide as the chasm gapes to-day, it might still prove possible to bridge it?

## 4

What was it, then, that happened in 1937? On April 1 the Provinces became autonomous—liberated, that is, from the control of the Centre in all Provincial affairs—and their government became, subject to 'safeguards', full responsible government. Thus the evolution of parliamentary self-government in the Provincial field was virtually completed, and that in itself might have been expected to bring to a head the communal antagonism which had been growing *pari passu* with that evolutionary process. But it did not. Such communal disturbances as occurred in the Punjab in the course of the first few months of the new *régime* were not in any way abnormal.<sup>1</sup> The communal atmosphere in the United Provinces was no worse than before. There was no marked increase of tension anywhere. Clearly, then, there was nothing in the working of the new constitution at the outset to cause Mr. Jinnah to regret his decision to work it 'for what it was worth' or to revive the old distrust of parliamentary government among the Moslem leaders at large. The change came in July, when the Congress Governments took office. It was the Congress policy, the Congress conception of how the constitution should be worked; that reopened the breach. These developments have been recorded in detail in Part II of this Report; and for present purposes it will be sufficient to recapitulate the main points.

(1) The Congress leaders' acceptance of office had been preceded by a discussion about the operation of the 'safeguards'. Though no constitutional ground was surrendered by the Viceroy or the Governors, the fact that the Congress leaders professed themselves satisfied with the upshot of the discussion was bound to create the impression that the effectiveness of the 'safeguards' had been undermined.<sup>2</sup>

(2) On taking office the Congress leaders adopted the policy of 'no coalitions'. Though in some of the Congress Provinces the leaders of the Moslem League had maintained an *entente* with the Congress during the elections and were expecting to share in the fruits of victory, 'pure' Congress Governments were formed in all the Congress Provinces. The League was told that it could only obtain a share of office if it became 'part of the Congress party' and subject to its control. At the same time a 'mass-contact' movement was launched to shepherd the Moslem countryfolk into the Congress fold. That a 'Congress Raj' had now been established in the Congress Provinces was confirmed by the use of the Congress flag and the Congress 'national anthem', by the claims of Congress committees

<sup>1</sup> Part II, 47.

<sup>2</sup> *Ibid.*, 19-21.

to be part of the governmental machine, by the exuberance of party demonstrations, and by the conduct and demeanour of individual Congressmen.<sup>1</sup>

(3) All the Congress Ministers and members of the legislatures were controlled, and except in one Province strictly controlled, by the Congress 'high command'. Congressmen in the non-Congress Provinces were under the same discipline and forbidden *inter alia* to join in coalition Governments. This unitarian policy implied that, when full self-government was established at the Centre and in so far as the Congress obtained control of it, Provincial autonomy, however protected by the constitution, might be undermined by the same extra-constitutional procedure.<sup>2</sup>

(4) The possibility or probability of the Congress obtaining control of the Centre was foreshadowed by the agitation for responsible government in the States, incited and supported by the Congress 'high command'. Before the campaign was called off, mainly because of the unprecedented communal feeling it had aroused, it had achieved a certain measure of success, and it was evident that the Congress leaders were looking forward to securing sooner or later that the States' representatives should not be nominated by the Rulers but elected by the people. In that event the States' votes in the Central legislature might soon become Congress votes.<sup>3</sup>

(5) The prospect of a Congress Raj in general was confirmed by the official Congress plan for an all-India Constituent Assembly, elected as far as possible on adult franchise, to frame the new constitution in accordance with the 'logic of democracy'. In view of the strength of the Congress organisation throughout India, so strikingly demonstrated at the elections of 1936-7, the kind of constitution thus framed was likely to be the kind of constitution that the Congress wanted.<sup>4</sup>

(6) Congress leaders, finally, though they sometimes admitted that the Congress would have fulfilled its mission and might cease to exist when India's freedom had been won, were clearly intending that the Congress should not only have the chief voice in determining what form of free government should be adopted but should also, in the first instance at any rate, take charge of it. Mr. Gandhi, indeed, made no secret of it. He spoke in 1940 of the Congress developing 'sufficient strength to take delivery' from the British Government;<sup>5</sup> and some two years earlier he had said that the Congress might soon 'replace the Paramount Power' in the States.<sup>6</sup> When at last in 1942 he declared 'open rebellion', he assumed that, if the British Government surrendered, 'real power' would be 'handed over to the Congress', which would then consult with other parties as to the future government of India.<sup>7</sup>

That the Congress should have taken this line was not unnatural. For many years in the past it had been practically the only vehicle of Indian nationalism, and after 1920, when under Mr. Gandhi's leadership it became a revolutionary movement, it gradually built up a nation-wide organisation

<sup>1</sup> Part II, 101-3, 109-12.

<sup>2</sup> *Ibid.*, 120-5.

<sup>3</sup> *Ibid.*, chap. xvi.

<sup>4</sup> *Ibid.*, 107.

<sup>5</sup> *Ibid.*, 242.

<sup>6</sup> *Ibid.*, 173.

<sup>7</sup> *Ibid.*, 293.

which not unreasonably claimed the allegiance of all Indian patriots and developed a kind of 'parallel government', prepared to 'take delivery' when the time came. Nor was it wrong in itself to desire to concentrate all the forces of Indian nationalism in a single organised movement. That was obviously the best way to hasten the attainment of Indian freedom. 'If Congress could in fact speak,' said Mr. Amery as Secretary of State for India in 1940, 'as it professes to speak, for all the main elements in India's national life, then, however advanced their demands, our problem might have been very different and in many respects far easier than it is to-day.'<sup>1</sup> But the Congress could not prevent other nationalist parties from being formed, nor, non-communal though it was in principle and organisation, could it easily fuse them into itself in one revolutionary body. Something less than that, however, seems to have been possible. There is little doubt that a close inter-party alliance might have been concluded in 1937. But the Congress leaders were not content with that. Convinced by the result of the elections that in the greater part of British India they had the mass of the people at their back, they tried to establish a single-party system by political force majeure.

It is important to understand why that attempt was made. Party rhetoric has ascribed it to the arrogance and folly of the Congress leaders—they were 'drunk with victory'—but that, of course, is a shallow judgment. It would be fairer to say that the decision to form 'pure' Congress Governments, however mistaken, was virtually dictated by the character and purpose of an organisation, a movement, which was necessarily totalitarian because its aim was revolution. Not without hesitation and debate the Congress had set its hand to the working of a constitution which from its point of view was only half a constitution. It offered self-government in the Provinces, but it withheld self-government at the Centre. Hence the declared dualism of Congress policy when Provincial office was accepted: the constitution was to be worked and at the same time to be combated and ended.<sup>2</sup> And, though ardent social reformers might want to make the most of their power in the Provinces, it was never forgotten by the 'high command' that the Congress Governments had now become part of the Congress machine, that the supreme objective of that machine was national independence, and that at any moment it might seem necessary for the attainment of that objective to put the whole machine in motion with a speed and force which only unitary control could give it. Plainly that strategy ruled out coalitions. The Moslems of the League might desire *Swaraj* as ardently as Congressmen, but not a Congress Raj. Concerted action to secure the abdication of the existing Government was impossible without a prior agreement as to the position of the Moslems in the Government which would take its place.

But, if the Congress decision to seek a 'short cut' to national unity by overriding or absorbing the League was not an unnatural decision, it was

<sup>1</sup> Part II, 247.

<sup>2</sup> *Ibid.*, 20.

none the less mistaken. It was, indeed, as Hindu opinion has become increasingly aware, the great mistake.<sup>1</sup> For, if the Congress decision was natural, so was the League's reaction to it. The main planks to which they had trusted when they accepted the new constitution had been cut from under their feet. Even the communal structure of the electoral system on which they had so tenaciously insisted for so many years seemed now to have little practical value. They might cling more stubbornly than ever to their 'separate electorates', but of what use were 'separate electorates' if the principle which inspired them applied only to representation in the legislature and not, as it logically should, to representation in the executive also? Nor was consolation to be found in 'weightage'. In the lower house in the United Provinces, for example, the Moslems had 64 seats, which was about twice the number to which their numerical proportion of the population (14 per cent.) entitled them. But the total number of seats was 228, and the Congress had won 134 of them. The harsh fact stood out—and it was underlined by the triumphant exuberance of the rank and file of Congressmen—that the Moslems in the Congress Provinces were a small minority, and a permanent minority. Unless the Congress on its part were willing to abandon its totalitarian policy, those Moslems who for their part refused to merge their communal identity in a predominantly Hindu organisation would be for ever debarred from a share in the government of their Provinces.

To those Moslem leaders who did refuse to be absorbed into the Congress and subjected to its discipline this prospect seemed intolerable. It challenged in the first place their sense of self-interest and self-respect. Not only would they be deprived of the power, the prestige, the influence and the emoluments of office: they would be unable, to put it on a higher plane, to play their part in the wider public service of their country. But there was more than that in the Moslem reaction. The inauguration of a Congress Raj, which soon came to be regarded as virtually a Hindu Raj,<sup>2</sup> awakened memories of the past in Moslem minds and created thereby a complex of pride and fear. To Indian Moslems the golden age of Indian history is the age of the Mogul Empire, and especially in northern India it was not to be expected—once the issue had been raised in so direct a form—that the descendants of the men who not so very long ago ruled the Hindus from Delhi should now be willing to be ruled by the Hindus from Wardha. And there was fear as well as pride. Hindus also remember the Mogul Age, and,

<sup>1</sup> The general assumption that, if responsible Governments were re-established in the Congress Provinces, they would be Coalition Governments implies a recognition of the mistake. So, of course, does Mr. Rajagopalachari's policy (Part II, 270). It is recognised by several eminent Hindus: e.g. Sir Chimanlal Setalvad (Foreword to G. S. Mahajani, *The Problem of the Minorities*, Bombay, 1941, p. 8), Dr. C. R. Reddy (*Congress in Office*, Madras, 1940, pp. 43-6), and Professor Beni Prasad (*The Hindu-Muslim Questions*, Allahabad, 1941, pp. 7-9).

<sup>2</sup> See Part II, chap. xvii. In a sympathetic account of the Congress régime in the United Provinces Sir Harry Haig (Governor, 1935-9) writes: 'The enthusiasm of the masses for Congress Raj melted imperceptibly into ideas of Hindu Raj, which were certainly prevalent throughout the Province. These ideas were deeply resented by the Muslims who were invincibly determined not to be ruled by the Hindus.'—'The United Provinces and the New Constitution' in *Asiatic Review*, July 1940, pp. 428-9.

if they obtained so powerful a Hindu Raj as to put the Moslems at their mercy, might they not recall its latter days rather than the days of its prime, not so much the tolerance and humanity of Akbar as the bigotry and persecutions of Aurungzeb? And had they ever forgotten what happened when the collapse of the Mogul Empire exposed India once again to those Moslem invasions across the north-west frontier from which she had so often suffered in the past—how Nadir Shah, the Persian, captured Delhi and gave his army leave to loot and kill till fifty thousand of its folk lay dead? 'The idea of revenge', said Mr. Muhammad Ali in 1931, 'is too much in the minds of our young men who have been mistaught Indian history chiefly for political reasons.'<sup>1</sup> But, though memories of subjection, as Englishmen have learned in Ireland, can last long and keep their bitterness, it is hard to believe that cool-headed Moslems could suppose a Hindu Government to be capable in these days of acting vindictively because of things that happened so long ago. The more genuine and general fear awakened in Moslem minds after 1937 was more reasonable than that. Might not Hindu political ascendancy, backed by Hindu wealth and economic power, mean that, slowly but steadily, Indian Islam, already a trifle tintured with Hinduism, would become more and more suffused with it until at last it had almost lost its old identity? That is what happened to Buddhism. Might not Islam, whatever its strength beyond the mountain walls of India, suffer the same fate within them? To the devout Moslem there is something dreadful, beyond Western understanding, in the thought of the relentless overgrowing of his faith by what he regards as the Hindu jungle.

At the outset all those elements in the Moslem reaction were operating only in the Hindu-majority Provinces. In the Moslem-majority Provinces the position of the Moslems in public life was obviously secure; and there seemed nothing at first in the creation of Congress Governments elsewhere to wound their pride or excite their fear. But presently the new surge of Moslem sentiment began to be felt in the Punjab and Bengal and Sind.<sup>2</sup> There were two main reasons for this. In the first place those Moslem majorities were bound to be affected by the reports of what was happening to their brethren under the Congress Raj—the 'atrocities' and 'sufferings' which in due course were formally listed and written up, sometimes in inflammatory language, for publication.<sup>3</sup> Secondly, the Congress Provincial régime in operation revealed in concrete shape the strength, the efficiency and, above all, the strictly disciplined unitarianism of the Congress machine. Thirdly, the Congress attack on the sovereignty of the Princes was not only resented by Moslems at large in so far as Moslem Princes were affected, and in particular the Nizam of Hyderabad, whose high standing in the Moslem world is a source of pride to Indian Moslems: it was plainly an attempt—and the Moslems saw it—to strengthen the Congress hold on the Central

<sup>1</sup> *Last Words of Maulana Muhammad Ali*, published by the Central Khilafat Committee (Bombay, 1931), p. 21.

<sup>2</sup> The peculiar position in the N.W.F.P. is described in Part II, 121-2.

<sup>3</sup> *Ibid.*, 185-8.

Government of the future.<sup>1</sup> Thus, for more reasons than one, in the Moslem-majority Provinces as elsewhere, the prospects of federation darkened. Even the Punjabi Moslems, forced to contemplate a Centre controlled by the Congress machine, became infected in some degree with that complex of pride and fear. Nothing, indeed, is more significant than the steady growth of the all-India Moslem League and of Mr. Jinnah's authority in the self-confident, self-contained Punjab, and its gradual, if reluctant, acquiescence in the doctrine of Pakistan.

So the Moslem reaction to the idea of a Congress Raj spread throughout Moslem India. And it steadily stiffened. Once suspicions had been aroused, it was all too easy for Moslems to believe the worst, to brush aside the Congress claim that the administration of the Congress Governments was in fact impartial, to detect a sinister design in their bold attempts to educate the masses, to assume that Congressmen at heart were much the same as members of the Mahasabha whose leaders' uncompromising policy and provocative language seemed deliberately calculated to make a communal agreement impossible. Moslems observed, moreover, that their reaction to Congress policy apparently had no effect on the attitude of the 'high command'. If anything, it seemed to harden it. The adoption of Partition as the official policy of the League in 1940 was shortly followed by Mr. Gandhi's declaration that the Congress would 'take delivery' as soon as it was strong enough.<sup>2</sup> After two more years of barren controversy the intransigence of the dominant section of the 'high command' was dramatically illustrated by the fate of Mr. Rajagopalachari.<sup>3</sup> Finally came Mr. Gandhi's 'open rebellion'. The League, indeed, was invited to share in the free government which the rebellion was intended to establish; but it was declared in the teeth of the League's opposition and with no guarantee that Moslem rights in a free India would be secured otherwise than by the unacceptable method of a Constituent Assembly. It was an attempt, said Mr. Jinnah, 'to coerce the British Government to surrender to a Congress Raj'.<sup>4</sup>

It is clear, then, that though the process of constitutional advance has been accompanied at each of its stages by an almost automatic growth of communal self-consciousness and antagonism, the present intensification of the Hindu-Moslem schism has not been in the same degree the automatic result of the attainment of a new stage in 1937. For, when the new constitution came into operation, the communal problem was not generally regarded as an insuperable obstacle to a self-governing federation of all India. It was not the new constitution in itself, but the mistaken way the Congress leaders worked it, that caused the sharp and swift revulsion.

<sup>1</sup> *Ibid.*, 197.

<sup>2</sup> *Ibid.*, 270, 289-90.

<sup>3</sup> *Ibid.*, 242.

<sup>4</sup> *Ibid.*, chap. xxii.



Can the mistake be remedied?

All the harm done to Hindu-Moslem relations since 1937 may take a long time to undo. All that has been said and believed about a Congress Raj cannot quickly be forgotten. Congressmen called it a bogey, but they gave it flesh and blood with their pure Congress Provincial Governments and their unconcealed ambition to create a Congress Centre. It seems, indeed, too much to hope that the communal situation can now be restored to what it was in the early months of 1937. The federal scheme of 1935 can no longer be made as acceptable as once it could have been to Moslem opinion. But that does not necessarily mean that the unity of India cannot be preserved. There is still some ground to be explored between a federation of the 1935 type on the one hand and Partition on the other; and there is no reason to affirm that such an exploration must needs be fruitless provided that the two great parties will undertake it with a genuine desire to come to terms.

It is one of the many evils of subjection to alien rule that it nourishes an unpractical and irresponsible frame of mind. Men are tempted to think and talk in a way they would not have thought or talked if they had had experience of the responsibilities of government. Theory is exalted, practice ignored. Discussion is dominated by the logician and the doctrinaire. And that, perhaps, explains the tendency in recent Indian politics to base a case or a claim on an abstract principle and to state that principle in its most complete and logical form, as when, to take two outstanding examples, the Congress insists that it fully represents *all* Indian nationalists or when the League insists that it *alone* represents the Indian Moslems. This tendency and the need to overcome it have been stressed by a thoughtful and broadminded Indian student of politics.

It is not easy to alter temperamental traits but modern psycho-analysis points out that the first step in overcoming their disadvantages is to be conscious of them. It is necessary to realise that logic, principle, declaration and definition, though they possess great value, must be adjusted to the claims of compromise and working settlement. Especially, the transition to positive government with its numerous enterprises on the basis of large-scale co-operation calls for a practical turn of mind, a habit of give and take, of willingness to sink non-essentials, a refusal to erect trifles into principles. There is nothing in all this which runs counter to the Indian scale of values. It is, however, a set of qualities to be brought consciously into play against the older manifestations which were suited to an environment of a negative and absolutist government.<sup>1</sup>

If this saving process is to be carried out, it must be the Congress that gives the lead: for, strong though the League has now become, the Congress is still far stronger in numbers and resources, and in a matter of compromise it is always the stronger party that must yield most. Already, indeed,

<sup>1</sup> Beni Prasad (Professor of Politics at Allahabad University), *The Hindu-Muslim Questions* (Allahabad, 1941), 32.

before the Congress leaders cut off negotiations by rebellion, they seemed to be making the first moves. It was something, though not enough, that they undertook that the free Indian Government they proposed to establish would not be a pure Congress Government but one in which other parties would be asked to share. It was something, though not enough, that they declared that the kind of federation they now contemplated was one which laid the stress on Provincial autonomy and not on the unitary principle.<sup>1</sup> Those were significant moves, for they seemed to imply that the Congress leaders had recognised the mistakes they made in 1937 and were trying to undo them. And, if they can go further, if they can be convinced that the promise of independence made to the Indian people by Sir Stafford Cripps at Delhi and re-affirmed by Mr. Churchill at Westminster is genuine, it should be still easier for them to reverse the policy of 1937. For that policy was not prompted merely by academic notions of democracy: it sprang from a confusion between two purposes—the purpose of governing a Province and the purpose of obtaining the freedom of all India. Because a unitarian technique seemed required for the second, it was also applied to the first. But now there is or should be no such confusion. The path to freedom no longer lies through a struggle with the British Government but through a settlement among Indians. The day has not yet quite come when, its mission of achieving India's independence fulfilled, the Congress, as Pandit Nehru once put it, 'might well cease to exist'.<sup>2</sup> Its task is not yet finished. It has still an historic part to play in setting India free. But the kind of action needed now is different and calls for a different technique. The methods of a revolutionary movement against foreign rule are manifestly unsuited for obtaining an agreement between Indians. The idea of one great national party and the policy of concentrating all its strength in a close-knit unitarian system may be good things on an Indo-British battlefield: in an all-Indian conference-room they are clearly out of place. And surely this plain truth must presently prevail. When the dust raised by the three-sided quarrel of the last few years settles at last and when the vision of India's future is no longer clouded and distorted by the varying fortunes of war, it is hard to believe that the Congress leaders will not realise that truth and follow to the end the path of compromise on which already, it seems, they have taken the first steps. And if they do that, it is also hard to believe that the League leaders will not do likewise. For if—and all hangs on that 'if'—they can obtain a settlement which seems by any reasonable test to secure the rights and interests and to preserve the self-respect of their great community, can they turn their backs on it through mere intransigence or merely for sentimental reasons, however deeply felt?

<sup>1</sup> Part II, 296.

<sup>2</sup> *Ibid.*, 109.

## CHAPTER III

### SELF-DETERMINATION

#### 1

THE offer contained in the Draft Declaration of 1942 was described by Sir Stafford Cripps at Delhi as an offer of 'complete and absolute self-determination and self-government for India'.<sup>1</sup>

It was an offer of self-determination in two senses of the phrase. Not only would the new constitutional settlement enable India to secede, if she wished, from the British Commonwealth and determine her own place in the international world. The constitution itself was to be framed by Indians and by Indians only. At each previous stage in the process of emancipation the British Parliament had retained control of its operation. Indian opinion was not by any means ignored. From 1909 onwards the Indian members of the Secretary of State's Council and of the Central and Provincial Executive Councils shared in official discussion of constitutional issues, and unofficial Indian leaders such as Mr. Gokhale were informally consulted. In preparation for the Act of 1919 the Secretary of State himself travelled through India, eliciting Indian opinion, and Indian witnesses were heard before the Joint Select Committee on the bill. The personnel of the Simon Commission was purely British, but throughout the long debate which led up to the Act of 1935 the fullest opportunity was given for the expression of Indian views—in the Indian Central and Provincial Committees, at the Round Table Conference and before the Joint Select Committee. But the decision on all points remained with Parliament. Neither at this nor at any previous stage of constitutional development was it possible for Parliament to divest itself of its responsibility for the nature of the advances made, since at each stage a measure of British control over Indian government was retained. As soon, however, as the last stage was reached, as soon as the step to be taken was the step to full self-government, involving the transfer to an Indian Parliament of all that remained of the British Parliament's responsibilities—save only such as might still be exercised for the time being under treaty—then it was not merely in accordance with Dominion precedent, it was plain common sense that the task of constitution-making should be surrendered from British to Indian hands. Parliament's abdication began when the 'August Offer' of 1940 declared that the framing of a new constitutional scheme ought to be 'primarily the responsibility of Indians themselves'.<sup>2</sup> In 1942 the abdication—or the offer of it—was complete. Nor was that position altered by the breakdown of the Cripps negotiations. The offer stands. On September 10, 1942, Mr. Churchill stated in the House of Commons that the 'broad

<sup>1</sup> Part II, 277.

<sup>2</sup> *Ibid.*, 334.

principles' of the Draft Declaration, in their 'full scope and integrity' represented 'the settled policy of the British Crown and Parliament'.<sup>1</sup>

Apart from the manifest sense and justice of it, there are certain practical advantages in Indians themselves alone determining their future form of government, now that no vestige of British rule is to remain. In the first place Indian judgment will be freer than British judgment. It will be able, in particular, to consider the retention of the British parliamentary system purely on its merits. The demand for the adoption of that system in the first instance came mainly, it is true, from India. It was British statesmen who most consistently and incisively questioned whether it could be successfully transplanted to alien soil. But it was difficult for the British Parliament, whether it was converted to the 'faith' of the Montagu-Chelmsford Report or not, to abandon the only constitutional ideas and principles with which it was familiar, and difficult, too, to reject the Indian demand without seeming to suggest that Indian political capacity was inferior to British.<sup>2</sup> To that extent Indians will be freer to modify or abandon the British system if it should seem to them wise to do so in the light of such experience as they have now had of it in operation; freer to consider, if they wish, the merits of non-British constitutions. More than that, they will be able to look at the problems of Indian government through Indian eyes and in the light, denied to foreigners, of 'Indian conceptions of the social, economic and political structure of Indian life'.<sup>3</sup>

Secondly, a home-made constitution will have a better chance of standing up to criticism than an article imported from abroad. Faults it is bound to have. All constitutions have them, being the work of human hands. But now they will be Indian faults, for Indians to defend or to remedy; and criticism, therefore, is likely to be more reasonable and more constructive. For many years past the system of Indian government has been condemned out of hand by Indian nationalists partly because it failed to meet their aspirations for full freedom, but partly also—and naturally—for the simple reason that it was British-made. They went further. They attributed the specific faults they found in it to deliberate 'imperialist' design. It will be different now: Suppose, for example, the Indian constitution-makers should decide that 'separate electorates', however undesirable in principle, must be retained for the time being, the reasons for that decision will be clearly Indian reasons which only Indian efforts can remove.

Thirdly—and most important—a home-made constitution will be able to acquire a sanctity in Indian eyes which only Indian authorship can give it. Freedom is everywhere dependent on the Rule of Law, and nowhere more so than in India. If freedom can only be obtained in India by agreement as to what the law shall be, it can only be preserved by obedience to that law. The constitution must not only appeal to Indians' minds as a reasonable settlement of rights and duties: it must also appeal to their

<sup>1</sup> *Hansard*, H. of C., cccclxxxiii, 302.

<sup>2</sup> See Part I, 65.

<sup>3</sup> Part II, 334.

emotions. It should inspire the same sort of feelings in Indians as the American constitution inspires in Americans. It should be regarded as the sovereign of the Indian polity and attract to itself something of that personal loyalty to a monarch which used to be particularly associated with the traditions of the East. Such an enthronement of the law seems to be the more essential because of what has happened in India in the course of the last twenty years. The law has been vilified because it was foreign-made, and its rule repudiated because it meant the rule of foreigners. To disobey it directly, to obstruct its execution by passive resistance, to seek to evade it by fasting—all this has become a persistent, an orthodox feature of Indian nationalism. And its effects have been far-reaching. 'Civil disobedience', under its creator's leadership, has stirred the emotions of the Hindu masses, but against the law, not for it; and it has undermined—how deeply cannot yet be known—their old habitual submissiveness to the *Sirkar*, to the Government, in whose hands it lay. Nor has Mr. Gandhi's doctrine been only a doctrine of national revolt. The application of *ahimsa* is unlimited, and *ahimsa* in the last analysis cannot avoid, for good or ill, a suggestion of indifference towards any law but that of conscience and of restiveness under any human form of government. To the extent to which such ideas or tendencies have affected the Indian mind—and it would be easy, no doubt, to exaggerate it—it will be harder to restore, or rather to establish on a new and more acceptable basis, the unquestioned Rule of Law on which all free government depends. Therein lies a final reason why that law should be framed, as it is now to be framed, by Indians.

## 2

The first step in constitutional self-determination is to determine by what kind of body the constitution is to be made. And here at once the need for compromise arises, since there is already a sharp division of Indian opinion as to the character of the constitution-making body. In 1940 the Congress Session adopted as one of the main planks in the official party programme a scheme for a Constituent Assembly which had been formally expounded by the Working Committee in the previous year.<sup>1</sup> It was promptly and firmly rejected by the Moslem League. The Assembly, said Mr. Jinnah, would be nothing but 'a packed body, manoeuvred and managed by a Congress caucus'.<sup>2</sup> But the Congress leaders ignored this opposition to their scheme. They kept it in the forefront of their programme. It even figured in the Working Committee's resolution of July 14, 1942, which heralded Mr. Gandhi's 'open rebellion'. The provisional Government to be formed by 'responsible men and women' on the withdrawal of the British control was to 'evolve a scheme by which a Constituent Assembly can be convened in order to prepare a constitution for the government of India, acceptable to all sections of the people'.<sup>3</sup>

<sup>1</sup> Part II, 107.

<sup>2</sup> *Ibid.*, 220.

<sup>3</sup> *Ibid.*, 292.

The merits of the project were set forth in the Working Committee's resolution of 1939 as follows:

The Committee wish to declare again that the recognition of India's independence and of the right of her people to frame their constitution through a Constituent Assembly, is essential in order to remove the taint of imperialism from Britain's policy and to enable the Congress to consider further co-operation. They hold that a Constituent Assembly is the only democratic method of determining the constitution of a free country, and no one who believes in democracy and freedom can possibly take exception to it. The Working Committee believe too that the Constituent Assembly alone is the adequate instrument for solving the communal and other difficulties. This however does not mean that the Working Committee will relax their efforts for arriving at a solution of the communal problem. This Assembly can frame a constitution in which the rights of accepted minorities would be protected to their satisfaction, and, in the event of some matters relating to minority rights not being mutually agreed to, they can be referred to arbitration. The Constituent Assembly should be elected on the basis of adult suffrage, existing separate electorates being retained for such minorities as desire them. The number of members in the Assembly should reflect their numerical strength.<sup>1</sup>

This resolution exemplifies the tendency mentioned in the last chapter to state things in maximum terms. The Assembly is the *only* democratic method: it *alone* can solve the communal problem. It has been treated, indeed, by some Hindu publicists as if it were the sovereign remedy for all India's troubles and as if to obtain it were identical with obtaining national freedom. The idea of it is charged with patriotic emotion.<sup>2</sup> It is represented as a major move in 'the struggle for power'.<sup>3</sup> Britain's concession of it becomes at once the recognition of *Swaraj* and the means of establishing it. It is taken for granted that all Indian patriots want it.<sup>4</sup> But in fact it is only the Congress that wants it. The minority parties—the Scheduled Castes, for instance, as much as the Moslem League—do not.

The reasons for this disagreement are plain. The scheme is based on assumptions, both theoretical and practical, which the minorities repudiate. In theory it proclaims its strict adherence to the 'logic of democracy'; it stresses the purely numerical aspect of representative government by providing through adult franchise for the greatest possible number of electors; and it clearly assumes that, while minor points may be submitted to arbitration, the major issues, which, as will presently be explained, are not arbitrable, will be decided by a simple majority vote. But the very essence

<sup>1</sup> *Indian Annual Register*, 1939, ii, 238.

<sup>2</sup> Pandit Nehru has described his 'dynamic' conception of the Assembly in the following terms. 'It does not mean a body of people, or a gathering of able lawyers, who are intent on drawing up a Constitution. It means a nation on the move, throwing away the shell of its past political and possibly social structure, and fashioning for itself a new garment of its own making. It means the masses of the country in action through their elected representatives.' Quoted by N. Gangulee, *Constituent Assembly for India* (London, 1942), 244. See also Rammanohar Lohia, *Constituent Assembly*, Bulletin No. 2, United Provinces Congress Committee War Sub-committee, Lucknow.

<sup>3</sup> Gangulee, *op. cit.*, 225.

<sup>4</sup> This attitude is well illustrated by Mr. Gangulee's book, a volume of 300 pages in which the Moslem League is only casually mentioned once or twice.

of the Moslem revolt is its rejection of 'numerical democracy' and 'majority rule'. Nor would the elections be likely to result in practice in what the scheme in theory is calculated to obtain—the deliberate expression of the wishes of all the Indian people as to the form of government under which they are to live. The wider the franchise is extended, the less possible that achievement becomes. For the franchise can only be enlarged beyond its present limits by bringing in more uneducated peasantry and manual labourers. Adult franchise would embrace about 200 millions of them. How could they judge, except in the very vaguest terms, the issues, many of them highly technical, with which the Constituent Assembly would have to deal? The inevitable result, surely, would be a less intelligent result than that which was obtained at the Provincial elections of 1937. An immeasurably greater number of electors would be at the mercy of the party organisations and their simple slogans: Millions more votes would be cast for 'Gandhi and the yellow box' or for 'Islam in danger'. The actual policy to be pursued in the Assembly would be determined by the 'high commands' as it was determined in the Congress Provinces between 1937 and 1939 by the Congress Working Committee and its Parliamentary Sub-Committee<sup>1</sup> and as it has to a less extent been determined in the non-Congress Provinces in more recent years by the executive of the Moslem League. Thus, if friends of the Congress are entitled to admire its whole-hearted adherence to the principles of democracy, it is not altogether unnatural for its enemies to argue with Mr. Jinnah that in practice it is a bogus democracy, cloaking the reality of a Congress Raj.

Surely, too, the notion that mass-elections of this kind are a means of overcoming communal dissension is untenable. It is true, no doubt, that the ignorant masses of India are more concerned from day to day with making a living than with the communal feud and that they are bound to react, as they did in 1937, to electoral promises of lower rents and higher wages. But the questions put to the electors for a Constituent Assembly would not be about rents and wages: they would be about the constitution; and the primary constitutional issue, dwarfing all else in its importance and its difficulty, is the communal issue. One of the concessions to minority sentiment in the Congress scheme, moreover, is the retention of 'separate electorates'. It seems probable, therefore, that the results of the Assembly elections would reflect the communal schism at least as much as the normal Provincial elections. In fact, when the new machinery for registering the electors and holding the gigantic poll had been set up at vast expenditure of time and money, the product would be much the same as that which the existing machinery could provide with no extra labour or cost. The only substantial difference would be that the number of votes cast would be far greater. Over 28 million people or nearly 55 per cent. of the electorate voted at the contested elections to the lower houses of the Provincial legislatures in 1937. On the same basis in British India alone—and the scheme

<sup>1</sup> See Part II, 120-5.

assumes a similar process of popular election in the States—the voters on adult franchise would number at least 100 millions. Would this make it easier to obtain a constitutional agreement? The only way to obtain it is by compromise, and that is not assisted by marshalling the masses behind the disputants.

It is hard to avoid the conclusion that the idea of a Constituent Assembly belongs to the period before the communal schism had become so deep and difficult to bridge as it is now, the period in which it was still hoped that the 'faith' of the Montagu-Chelmsford Report in parliamentary democracy and Indian nationhood might be justified. In the situation as it is, a Constituent Assembly, though it naturally appeals to the imagination as a massive and dramatic exhibition of democracy in action, seems to be not merely unsuited to the stage of democratic development which the mass of the Indian people have in fact so far attained, not merely a useless and costly duplication of the existing machinery for giving expression to the wishes of the people; it fails to meet the practical needs of the case. A new constitution for a free country must be submitted, of course, to the people or their representatives for approval. But the discussion and drafting of it are not a popular business: they are the business of experts and especially of men who have had experience of government. And the smaller their number, the more likely they are to reach agreement. This point was well made by the then Chief Justice of India, Sir Maurice Gwyer, in the eloquent Convocation Address which he delivered at Benares Hindu University in the winter of 1939 and which attracted considerable public attention in India at the time.<sup>1</sup>

In a body of delegates such as I have described [a small body], men come to know each other better, to appreciate the strong points of another's case and to realise the weaker points of their own. The impact of mind upon mind has its effect, and after some time (such is the experience of those who have taken part in transactions of the kind) a sort of corporate sense is born, out of which there may emerge, if not a common will, at least a common desire to produce results. I do not say that this always or necessarily happens, but it can and does happen, for it is impossible for a body of men to labour together with a common object for any considerable period of time without asperities becoming softened, misunderstandings lessened and mutual respect engendered.

The Chief Justice also pointed out that the verdict of history on Constituent Assemblies elected on a wide franchise has usually been adverse. The work of the 900 members of the National Convention elected to draft a constitution for Revolutionary France in 1795 was the prelude to Napoleon and twenty years of war; the work of the 900 members of the Constituent Assembly elected to draft a constitution for the French Republic in 1848

<sup>1</sup> Reprinted in the *Round Table*, No. 118, March 1940, pp. 480-9. Champions of the Constituent Assembly have pointed out that most of its work would be done in relatively small committees, but, apart from the desirability of the negotiators being able to consider and to balance all the main factors in their problem at the same time, the decisive debates would be held and the final decisions taken in the Assembly as a whole.



was the prelude to the Second Empire and Sedan. The German National Assembly of 1848, which was attended on the average by about 500 delegates, was inspired by a great impulse of national and liberal enthusiasm; but it failed to achieve its object, and Germany was united not by democracy but by 'blood and iron'. The Assembly at Weimar in 1919, which numbered about 420, gave birth to a constitution which did not survive its infancy. The Russian Constituent Assembly, elected in 1917 by the votes of 45 million people, met only once. The principal constitutions, on the other hand, which have so far stood the test of time, were all the product of small bodies of men, chosen not by great popular electorates but by their legislatures or Governments. The average attendance at the Philadelphia Convention which created the United States was a little over 30. The Charlottetown and Quebec Conferences which created the Dominion of Canada were attended by 22 and 33 delegates. The National Conventions which created the Commonwealth of Australia and the Union of South Africa were 50 and 30 strong. The existing constitution of the U.S.S.R. was framed by a body of 81.

None of these successful achievements was the outcome of great popular debates. In most of the Conferences and Conventions there was keen enough discussion, and the differences of opinion, which were ultimately compromised, were felt so strongly and at times so strongly expressed that the ultimate compromise would never, it is safe to say, have been achieved if the dispute had been fomented by public controversy and mass-emotion. But, just because they realised that popular pressure was bound to prove the worst impediment to the agreement they desired, all those assemblies decided at the very start of their proceedings to bar it out. Secrecy was strictly imposed at Philadelphia: sentries were posted 'without and within to prevent any person from approaching near'.<sup>1</sup> All the other Conventions excluded the Press from their meetings.

The need for smallness and secrecy seems the more apparent when the dominant issue confronting the Indian constitution-makers is once more remembered. In some respects their task will be more like the negotiation of an international convention than the framing of a form of government. To Mr. Jinnah, indeed, and other exponents of the 'two-nations' doctrine the constitution would be comparable to the Act of Union between England and Scotland: it would be virtually a treaty between the Hindu and Moslem Indians. And, in so far as that analogy applies, it is again the small, expert, private body that is plainly wanted. It is generally agreed nowadays that in a free world there should be no secret treaties, but nobody has suggested that treaties should be publicly negotiated. Nor, of course, is there anything undemocratic in that, provided that the treaties, when concluded, are submitted to public approval. And, of course again, the constitutions framed by the Conferences and Conventions enumerated above were all

<sup>1</sup> M. Farrand, *The Framing of the Constitution of the United States* (New Haven, 1913), 58.

discussed and in some cases amended by the popular legislatures concerned, and finally ratified by those legislatures or by a referendum.<sup>1</sup>

In 1940, at the time of the *blitzkrieg* in Europe, the Premier of the Punjab, the late Sir Sikander Hyat Khan, suggested that a small representative body, including the present and past Premiers of all the Provinces, should be convoked to discuss the outlines of the future constitution.<sup>2</sup> That was clearly intended as a preliminary or exploratory step, corresponding to the meeting of the Charlottetown Conference in 1864; and the only full-scale proposal yet made (so far as the author of this Report is aware), which could be regarded as a complete alternative to the Congress scheme, is that contained in the British Government's Draft Declaration of 1942. This contemplated a constitution-making body in which the British India representatives would be chosen, under a system of proportional representation, by the lower houses of all the Provincial legislatures sitting as a single electoral college, while the States representatives would be appointed in the same proportion to their total population as in the case of British India.<sup>3</sup> The British India section was to number one-tenth of the electoral college. This proposal seems open to two objections. (1) The British India representatives would number 158 and those of the States about 49, a total of 207; and this seems an unnecessarily large number even for so vast a country as India. If the foregoing arguments are sound, the constitution-making body should be the smallest possible body in which all the major interests can be represented. (2) The proposal for a single electoral college is a concession to the unitarian principle: it is akin to the provision in the Act of 1935 for the election of the upper house of the Central legislature by general British-India constituencies.<sup>4</sup> But it will be argued in a subsequent chapter that there is no prospect of an ultimate agreement unless the principle of Provincial autonomy takes precedence of the unitarian principle; and if the former were applied to the British plan it would require the members of the constitution-making body to be chosen by the Provincial legislatures separately and not sitting together, and to regard themselves primarily as delegates of their Provinces rather than as representatives of British India as a whole. That, of course, was the procedure for electing the members of all those successful Conventions described above. In America, Canada, Australia and South Africa they were all the delegates of their respective Provinces or States.

<sup>1</sup> The draft of the South African Union Act was approved by the legislatures of Cape Colony, Transvaal and the Orange Free State, and by referendum in Natal. The draft of the Australian constitution, after discussion in the States legislatures and subsequent amendment by the Convention, was approved by a referendum in each State.

<sup>2</sup> Part II, 241.

<sup>3</sup> *Ibid.*, 387.

<sup>4</sup> Part I, 137.

## CHAPTER IV

### PROVINCIAL AUTONOMY

It will be convenient to consider first the constitutions of the Provinces and afterwards the problem of all-India government. To do that is not to prejudge the question of Partition. The champions of Partition do not envisage the sovereign States into which India in their view should be divided as unitary States: they would be unions of Provinces and Principalities. The Punjab, for example, would certainly resist the complete merging of its individuality in a greater Moslem whole, and it is so different in character and in political experience from Sind, on the one side and from the North-West Frontier Province, on the other that it would be plainly inappropriate to subject all three to a single unitary administration. The leaders of the Moslem League, indeed, have been so anxious to make their position on this issue clear that they have even used—or misused—the word 'sovereign' to describe the status of a Province in their projected Moslem federations. The 'Pakistan Resolution' of March 1940 declared that the constituent units of the Moslem States would be 'autonomous and sovereign'.<sup>1</sup> 'The Punjab', said Mr. Jinnah a few days later, 'would be an autonomous sovereign unit.'<sup>2</sup> The Indian States are in a similar position. The question of their adherence or non-adherence to an Indian Union or Unions will be discussed in Chapter XII, but it may be taken for granted *a priori* that they will not in any case combine with Provinces except on the basis of their own autonomy.

The same arguments would apply to Hindu India in the event of Partition. In a Hindustan as in a Pakistan, union would have to be founded on autonomous Provinces and States.

Nor would these units disappear in any such system of Regional grouping as is discussed in Chapter X. They would remain the basic units of administration, dealing with most of those matters which most closely affect the daily life of the people.

It is sometimes argued that the principle of Provincial autonomy is vitiated in practice by the artificial make-up of the Provinces. Their boundaries, it is pointed out, were drawn to suit the political or administrative convenience of the time. As British rule expanded over India, now one area was conquered and annexed, now another was ceded by its Indian ruler as the price of British help against his enemies, and so forth. The result was a haphazard conglomeration of territories, bearing no relation to the natural divisions of India, 'cutting indifferently across the frontiers of race and language. In any reconstruction of Indian government, the

<sup>1</sup> Part II, 206.

<sup>2</sup> Press statement, April 1, 1940: *India's Problem of her Future Constitution* (Bombay, 1940), 80.

argument goes on, the boundaries of the Provinces should be re-drawn, primarily on linguistic lines. Something was done to meet this need in 1936 when the Sindi and Oriya speaking peoples obtained their separate Provinces; but more wants doing. The most pressing case is apparently in Madras, where the Telugu language, which already has its own university, is entitled, it is said, to its own 'Andhra' Province.<sup>1</sup> The speakers of Kannada again, in several districts of Madras and Bombay and in Mysore should have a Province of their own. And there are other language-groups, like the Marathas, which might make similar claims.

This separatist movement is not unnatural. It is the direct result of the spread of education which has at the same time stimulated the growth of Indian nationalism and fostered a new consciousness of diversity. A keener interest in local literature, the development of historical research, archaeological discoveries—all this tends to strengthen 'particularist' sentiment. And the Congress itself, despite its unitarian philosophy and its denunciations of the evils of 'Provincialism', has acquiesced in this sentiment to some extent. It has organised its own electoral system on the basis of no less than twenty Provinces, to each of which a particular language is assigned.<sup>2</sup> The League has so far shown little interest in the question except in the Punjab and Bengal, and there, as will be seen in due course, it desires boundary-changes not for linguistic but purely for political reasons.

But, natural as this movement is, it would be easy to carry it too far. It is certainly convenient that all or most of the members of one political unit should speak the same tongue. The separation of Sind from Bombay and of Orissa from Bihar was justified for that reason. But it was not the only reason in those cases, and to assume that it is a sufficient reason by itself in all such cases is to make the mistake which is largely responsible for the present troubles of the world. It is to identify culture with politics, cultural freedom with self-government, the nation with the State. There is an obvious danger, moreover, in exalting the principle of cultural frontiers. Where will its application stop? 'The idea of linguistic redistribution', writes Professor Beni Prasad, 'awakens separatist tendencies in very small groups on the basis of dialects. It can be followed up only at the risk of atomising the country. It weakens the will to reciprocal adjustments among groups who do not differ radically from one another and who can easily learn to live in amity.'<sup>3</sup> Nor in any case is it likely that the Constitutional Convention—to give the constitution-making body an uncontroversial title for the purposes of this discussion—will wish to concern itself with the general question of frontier-rectification. First things first, and far and away the first thing will be the achievement of a basic Hindu-Moslem settlement. The danger of trying to do too much at one time is too obvious to be overlooked, and the Convention may well decide to make

<sup>1</sup> The name is taken from that of a dynasty which ruled the Telugu area from the third century B.C. to the third century A.D. <sup>2</sup> Part II, 815. <sup>3</sup> *Op. cit.*, 135.

only those changes in the existing structure of government which it must make now in order to attain its primary objective, and to postpone the treatment of other less urgent questions until the new *régime* has been safely established and has settled down. It seems probable, therefore, that, though the Convention may have to consider one or two specific changes as part of a Hindu-Moslem accord, it will not regard frontier-revision in general as immediately urgent; and, while it might possibly make provision for a Boundary Commission under the new constitution and for making such alterations as might be decided on as the result of its inquiries, it will not undertake so lengthy, so intricate and so controversial a task itself.

Nor is it true to say that the present Provincial structure is so artificial that the principle of Provincial autonomy cannot be effectively applied to it. That is one of those 'extremist' arguments which go beyond the facts. By no means all the frontiers conflict with physical or linguistic or racial divisions. Apart from communal differences, which are almost universal, Bengal is remarkably homogeneous in race, language, and the nature of the country; So are the United Provinces, the Punjab, Sind, and the North-West Frontier Province. And political units, however artificial at the outset, can acquire by lapse of time and force of custom something like a 'natural' character. The existence, generation after generation, of a powerful Provincial Government and its laws, of Provincial Courts, of a Provincial university, of Provincial social services, of a host of Provincial officials of high and low degree, is bound to have a unifying effect, to create a sense of the State, to make the people of a Province feel that it is their Province, to inspire Provincial patriotism. Despite linguistic differences and separatist movements, mere length of life still gives Madras and Bombay a substantial measure of solidarity. Except for a small cession to Orissa, the frontiers of Madras are practically what they were in 1799. Except for the acquisition and loss of Sind, the frontiers of Bombay have been scarcely changed since 1818. Even the Central Provinces, the most artificial of them all, have acquired in eighty years an individuality of their own.

In the course of the last few years, moreover, the sense of Provincial patriotism has been strengthened by the advent of full Provincial self-government. The peoples took a new pride in Governments that were now in a new sense theirs. And it is interesting to observe the Provincial reaction to interference by the leaders of the two great all-India parties in Provincial politics. In the non-Congress Provinces it was strong enough for a time even to cut across the lines of the communal schism. It was the Moslem Premier of the Punjab who repudiated the League's newly adopted policy of Pakistan if it meant a policy of Moslem domination in Moslem-majority areas, and said, 'Hands off the Punjab'.<sup>1</sup> It was the Moslems in Sind who raised the cry of 'Sind for the Sindis'.<sup>2</sup> And it was slowly and with evident hesitation that the Moslem majorities in those two Provinces identified themselves with the League. In Bengal the

<sup>1</sup> Part II, 252.

<sup>2</sup> *Ibid.*, 67.

League was unable to gain control of the Government till 1948, while there is a section of the Congress which has persistently refused to accept the dictation of the Congress 'high command'. There was a similar, but not so marked, reaction among Congressmen in the Congress Provinces. The character of the North-West Frontier Province is so independent and individualistic that, while it was still a 'Congress Province', the Congress 'high command' could not attempt to maintain its strict unitary control therein,<sup>1</sup> and it was not too easy to maintain it in its other Provinces. There was a serious crisis in the Central Provinces.<sup>2</sup> There was friction for a time between the 'high command' and the Provincial Congress Committee in the United Provinces.<sup>3</sup> And most of the Congress Ministers were more or less reluctant to obey the final order to resign.<sup>4</sup> In Orissa and in the North-West Frontier Province the reaction ultimately led to a break-away from Congress authority and the formation of a non-Congress Government.<sup>5</sup>

Provincial patriotism, in fact, is a reality in a greater or less degree in all the Provinces; and, though the readjustment of their boundaries may well be a matter for future consideration, they are clearly fitted as they stand to govern themselves to the full extent to which the principle of Provincial autonomy may be applied. What that extent should be will be discussed in a later chapter: it is a question of the powers a Province should possess, not of the form of its constitution. But there is one point that needs to be mentioned here because it is a point on which those two questions are interlinked. Ought the Provinces all to have the same kind of constitution? If not, who should decide what kind each is to have? If Provincial autonomy has any substance, ought it not to include the power of constitutional self-determination?

There is no valid reason why the form of government should be the same in all the Provinces. The uniformity which found its final expression in the Act of 1935 was not the natural outcome of Indian conditions, but rather the mechanical result of unitary British rule. If the Provinces had not been brought under direct British administration but had been allowed like the States to retain their Indian forms of government, the present constitutions, say, of Madras and the Punjab and Assam would certainly differ as much as those of Hyderabad, Mysore and Bikaner,<sup>6</sup> and, even if they had evolved a democratic system, it would certainly not have taken the identical form of responsible government on the British model. How artificial the existing uniformity is has been plainly shown by the experience, short as it has been, of the working of the 1935 constitution. In the Punjab it has worked and is still working reasonably well. In Bengal it has worked less well. In Sind and Assam it has worked badly.<sup>7</sup> And in view of the marked difference in the character and political conditions of those four Provinces this difference

<sup>1</sup> Part II, 121-3.

<sup>2</sup> *Ibid.*, 123-4.

<sup>3</sup> *Ibid.*, 105.

<sup>4</sup> *Ibid.*, 218.

<sup>5</sup> *Ibid.*, 78-9, and p. 3 above.

<sup>6</sup> For the different forms of government in the States, see Part II, chap. xvi.

<sup>7</sup> See Part II, chapters iv to vii and ix.

in capacity to make the best of the same form of government seems almost a matter of course. Nor is it only a question of difference in economic or educational development. The communal problem is nowhere more acute than in the United Provinces and nowhere less acute than in Madras. Do they require exactly the same kind of constitution?

That is an issue which, like frontier-revision, may well be set aside for later and more deliberate treatment in the light of further experience; and in any case no one would suggest that the Convention should attempt to frame eleven different constitutions. As will appear in subsequent chapters, it will be concerned with the Centre rather than the Provinces; for it is at the Centre that the main crux of the constitutional problem lies. And, as suggested above, the principle of Provincial autonomy may well seem to require that the Provinces should be left to deal with their own constitutions, provided that any changes they might wish to make did not upset the Central settlement.

## CHAPTER V

### THE PROVINCIAL CONSTITUTIONS: I. THE LEGISLATURE

It has become customary to begin discussion of the Indian problem by pointing out that the existing constitutional system has been framed in close accordance with the model of British parliamentary government, that in the nature of things such an exotic plant was not likely to flourish in Indian soil, and that India needs an Indian constitution. Thus the British Government's statement of August 8, 1940, known as the 'August Offer', suggested that the new constitution might 'originate from Indian conceptions of the social, economic and political structure of Indian life'.<sup>1</sup> Pandit Nehru has preached the same doctrine in more revolutionary language. He has spoken of the Indian nation 'throwing away the shell of its past political and possibly social structure, and fashioning for itself a new garment of its own making'.<sup>2</sup> But a democratic Indian constitution such as Pandit Nehru contemplates cannot be entirely home-made; it cannot be exclusively and peculiarly Indian. Democracy must have at least one common feature, whether it operates in the East or in the West. Since it outgrew its cradle in the little Greek city-states, the only method devised for giving effect to its principle has been the method of representative government. Modern democracy, in fact, is inconceivable without a parliament, whatever name it bears. Nor is a parliament as a means of expressing public opinion out of line with Indian tradition. Just as in Britain it is the modern form of the medieval King's Council, so in India it might be regarded as the modern form of the *darbar*.<sup>3</sup>

Parliaments, then, need not be regarded as part of the foreign shell which Indian nationalists want to throw away; and, if it is true that the procedure of the Indian legislatures has hitherto been modelled on British parliamentary procedure, Indian politicians have shown a signal capacity for making good use of it. Both at the Centre and in the Provinces the debates have normally been orderly, and the process of legislation has as a rule worked as smoothly, as at Westminster. If Indians have become accustomed to this procedure, there seems to be no point in abandoning it merely because it is of alien origin.

That, however, is a matter of detail, and the main question to be considered with regard to Indian legislatures is the question which, it may be repeated, must dominate the discussion of the constitutional problem as a whole—the possibility of a Hindu-Moslem settlement. And it must not be assumed, as it has been too easily assumed, that the Moslem attitude is so extreme and intransigent as to rule out any hope of compromise on this particular point. Mr. Jinnah, it is said, has not only

<sup>1</sup> Part II, 334.

<sup>2</sup> See p. 38, note 2 above.

<sup>3</sup> See Part I, 15.



condemned the existing Provincial constitutions root and branch: he has repudiated parliamentary government of any kind: he has even jettisoned democracy. But that is a caricature of Mr. Jinnah's attitude. He has denounced the way in which the existing parliamentary constitution was worked in the Congress Provinces: he has said that the Congress Governments must never come back: but he presumably approves of the way the same constitution has been worked for six years in the Punjab and is working now in Bengal, Sind, Assam, and the North-West Frontier Province. He has not rejected the parliamentary system as such, but only in so far as it resulted in the Congress Provinces in the rule of a one-party majority. He has not said that democracy is impossible in India: what is impossible, he holds, is crude 'majority rule' or government by simple arithmetic.

Assuming, then, that Hindus and Moslems are agreed in desiring to retain a parliamentary system of some kind, is there, it may be asked, any means of modifying that system as it exists at present so as to promote Hindu-Moslem agreement? It will be argued in Chapter VIII that that is primarily a question of the relations between the legislature and the executive. If that question were boldly and firmly handled, the constitution and procedure of the legislature would be quite a secondary issue. None the less, it may be worth while to consider one or two points as to the constitution of the legislature and the manner in which its members are elected.

The idea that a *Second Chamber* might be useful as a means of making the representation of minority interests more effective was first ventilated in the Montagu-Chelmsford Report;<sup>1</sup> but its authors did not recommend a bicameral system, and the Act of 1919 established unicameral legislatures in all the Provinces. The question was raised again by the Simon Commission whose members were divided on it, but those who favoured second chambers did so on general grounds and not with any special reference to the communal problem.<sup>2</sup> The Provincial Committees which co-operated with the Simon Commission took different views. Those of Madras, Bengal and the United Provinces declared for a second chamber: the rest were more or less evenly divided on the question. Though the utility of a second chamber as a means of mitigating communal antagonism was not specifically mentioned, it was noticed that its champions were usually the representatives of minority communities.<sup>3</sup> At the Round Table Conference the question was left depending on Provincial opinion.<sup>4</sup> The Joint Select Committee recommended second chambers in five Provinces—Madras, Bengal, Bombay, the United Provinces and Bihar—with provision for the reconsideration of the question in all Provinces at the end of ten years.<sup>5</sup> This recommendation, with the addition of Assam, was embodied in the Act of 1935. In those four of the six Provinces which became 'Congress Provinces' in 1937 the new Parliamentary constitution was working far too short a time to allow of any valid

<sup>1</sup> [Cmd. 9109], par. 258.

<sup>2</sup> *Simon Report*, ii, 98-9.

<sup>3</sup> *Ibid.*, 98.

<sup>4</sup> *Indian Round Table Conference* (Nov. 12, 1930 — Jan. 19, 1931), *Sub-committees' Reports*, etc., Cmd. 2772, 48.

<sup>5</sup> *Joint Committee on Indian Constitutional Reform*, vol. i, pt. i (1934), 65.

judgment on the merits of the second chambers. In Bengal the legislature has been in operation for over six years, and for the first three the student can consult the official record compiled by the President of the Legislative Council, the late Mr. Satyendra Chandra Mitra.<sup>1</sup> At the outset of his Report Mr. Mitra cited as the first of two reasons which in his opinion made a second chamber a necessity in Bengal, 'the existence of two major communities with sharply-defined interests and ideologies struggling for power and position'; but in his subsequent review of the Council's proceedings he gave no evidence to show that the Council exerted any particular influence on the communal issue. The amendments it carried to the Assembly's bills did not raise that issue. It should be observed, moreover, that before 1940 and after it the growth of communal antagonism was at least as marked in Bengal as in any unicameral Province. It was also growing throughout this period in Bombay. It reached its most dangerous height in the United Provinces and Bihar. Since all these Provinces have second chambers, it would seem that, whatever their value may be in other respects, they have so far contributed little, if anything, to the solution of the communal problem.

As to the manner in which the legislatures are elected, the system of *Reservation and Weightage* (i.e., of reserving a fixed proportion of seats for each community and of giving more seats to minorities than they would be entitled to on a numerical basis) seems to have justified itself; and, though no community is willing to admit that it is satisfied with the Communal Award, on which, as amended by the 'Poona Pact', the present electoral system is based,<sup>2</sup> it seems to be generally agreed, except for the Scheduled Caste leaders' continued opposition to the 'Poona Pact', that the system should continue for the present.

*Proportional Representation*, no doubt, is a more logical system, but it would not ease the communal problem at the present time to reduce the representation of the minorities to their true mathematical proportions. The system, moreover, as the Simon Commission pointed out,<sup>3</sup> even in its simplest form of the single transferable vote, is more difficult to work than that of the one-member constituency. It can be easily and effectively worked at the higher levels of the constitutional structure: the Act of 1935 provided, for example, for the election of the lower house of the Central legislature by the Provincial legislatures by proportional representation: but at the lowest level, for the purposes of popular election on a reasonably wide franchise to any Indian legislature, the system would demand a higher standard of education than the Indian masses have yet attained.

*Functional Representation* is a more practicable suggestion and it has the merit of directly attacking the communal problem. Proportional representation aims at representing the communities more truly. Functional representation means that they would not be represented at all. Instead of voting as Hindus and Moslems, the electors would vote in accordance with

<sup>1</sup> *Triennial Report on the Working of the Bengal Legislative Council, etc.* (Alipore, 1940). <sup>2</sup> Part I, 128, 134. <sup>3</sup> *Simon Report*, ii, 62.

their profession or occupation—as lawyers, doctors, tradesmen, farmers, industrial artisans, peasants and so forth. In so far as the common interests of the group would thus tend to take the place of communal loyalties, the idea, at first sight at least, has obvious attractions, and it is interesting to observe that it has been applied in the new constitution promulgated in 1939 in Hyderabad. The 42 elected members of the Legislative Council are classified as follows: 4 holders of *samasthans*<sup>1</sup> and *jagirdars*,<sup>1</sup> 2 *morashdars*,<sup>1</sup> 16 agriculturalists (half farmers, half peasant-tenants), and 2 representatives each of labour interests, industries, commerce, banking, the legal profession, the medical profession, graduates, District Boards, District Municipalities and Town Committees and the Hyderabad Municipal Corporation. The candidates are not only to represent those groups: they must themselves be members of them. In recommending this method of election to H.E.H. the Nizam the Executive Council argued (1) that it provides a truer representation of economic interests than a territorial system; (2) that 'a shifting of emphasis to the economic *motif* is likely to import a greater degree of realism into legislation, even into politics as such'; (3) that 'in a State comprising different ethnic, linguistic and religious divisions, economic interests alone are likely, sooner or later, to transcend those barriers'; and (4) that the representation of educationally backward groups such as the agriculturalists or labour by members of those groups rather than by professional politicians enables them at once to express their needs directly and to acquire a training in the art of legislation.

The Council admitted the strength of communal feeling in the State, and for that reason, no doubt, the new scheme of functional representation was only partly functional, since it provided that half the representatives in each group must be Moslems and half Hindus. It might almost seem, indeed, as if the establishment of this communal balance was the main object of the scheme.

The most obvious difficulty in any general adoption of functional representation is that of fixing the proportion of seats to be allotted to each 'interest', and it must be remembered that nine-tenths of the Indian people are engaged in roughly the same agricultural occupation. Functional representation in India, moreover, cannot wholly cut across communal divisions, because some occupations are communal. Most leather-workers, for example, are Moslems, and there are other kinds of work on which no caste-Hindu can be employed. There is another serious drawback to representation by occupation. Trades in Hindu India are mostly a matter of caste, and against a weakening of communal divisions by functional representation would have to be set a hardening of caste-divisions which are likewise a serious hindrance to the development of genuine democracy in India.<sup>2</sup>

<sup>1</sup> Classes of quasi-feudal landed proprietors or grantees.

<sup>2</sup> If second chambers were retained, they might provide a better field than the lower houses for an experiment in functional representation.

Another means of tempering communal antagonism in the electoral system might be found in *Indirect Election*. The strength and the danger of communalism lie in its appeal to mass-emotion. Indirect election weakens the force of that. If the inhabitants of a village or group of neighbouring villages or an industrial urban area chose the representatives who were to vote at the elections on their behalf, those representatives might be expected to be somewhat less susceptible to purely communal electioneering than the rank and file of their supporters. Such an arrangement would well accord with the policy, favoured by many Indians, of extending and strengthening the old *panchayat* system of village self-government as the foundation of the whole constitutional structure.

It would fall beyond the scope of this Report to examine these alternative electoral methods as fully as they deserve. Their interest and their practical importance lie for the most part in the future. At present they are mostly academic questions for the simple reason that the method of *Separate Electorates* holds the field. Indirect election might conceivably be combined with separate electorates, but it would be difficult to work effectively in areas in which the minority community is small. The other methods are virtually ruled out by separate electorates, as to which, after thirty years of bitter controversy, communal opinion remains implacably divided. The old arguments are unchanged. Moslem members of the legislatures, say one side, must be elected by Moslems only, since candidates who had to solicit Hindu votes could never be wholehearted or trustworthy representatives of their community. Separate electorates, say the other side, at once negate the principle of common citizenship on which democracy is based and perpetuate and aggravate the communal schism. The only change in the controversy is the result of that extremist tendency in Indian politics which has been mentioned in a previous chapter. It was natural enough, as communal tension grew, that the Moslems should cling to separate electorates more stubbornly than ever. The prospect of a Hindu Raj might well seem to make it all the more necessary for Moslems in the legislatures to be full-blooded Moslems. Might not weaker brethren have succumbed to the Congress attempt to absorb the League in 1937? But the cause of separate electorates has become so sacrosanct, their value has been so magnified, that they seem almost to have acquired in their champions' eyes the power to override arithmetic. Yet the hard fact remains that the Moslem-elected minorities are still minorities. Hindus, for their part, seeking as they sometimes do to evade the realities of the communal schism, have asserted on occasion that separate electorates have not merely widened the schism, but they and they alone have caused it. Abolish them, and Indian self-government would no longer be impeded by communal dissension. It would serve no practical purpose, however, to pursue that controversy further. At the present time an agreed abolition of separate electorates seems to be impossible. The only agreement reached between the major Hindu and Moslem bodies since separate electorates were intro-

duced in 1909, the Lucknow Pact of 1916, was based on their retention.<sup>1</sup> Their retention remains an apparently inexorable condition of any agreement now. And of that, no doubt, the Congress leaders are aware. It is significant, for example, that their scheme for a Constituent Assembly provides for the election of its members by separate electorates if the minorities so wish.

That need not mean, however, that separate electorates should be regarded as a permanent factor in Indian politics. The main hope for India's future rests on the possibility of a basic Hindu-Moslem settlement. Without it no constitution can be made. With it a new prospect would be opened up of such intercommunal co-operation in the common service of the Indian people as would serve, as nothing else would serve, to narrow the gulf. If that were, indeed, the happy issue, then *ipso facto* the case for separate electorates would be weakened. As time went on and politics became more and more identified with economics, the voters who now compose them might no longer wish to be grouped in purely communal constituencies; and, whether everywhere at once or first in one Province and then in another, the electoral system could be remodelled.

<sup>1</sup> Part I, 47-8; Part II, 14.

## CHAPTER VI

### THE PROVINCIAL CONSTITUTIONS: II. SAFEGUARDS

SINCE one of the primary purposes of the new constitution will be to give the minorities a sense of security, it may be assumed that the greatest possible use will be made of 'safeguards'. They may be considered under three heads, (1) General, (2) Political, (3) Cultural.

#### 1

*General Safeguards* are those broad principles of justice and fair dealing which can be defined in a Declaration of Rights. They were so defined in the Declaration adopted by the Congress Session in 1933.<sup>1</sup> 'The Congress declares', it ran, 'that any constitution which may be agreed to on its behalf should provide, or enable the Swaraj Government to provide' *inter alia* for the following:

(i) Every citizen of India has the right of free expression of opinion, the right of free association and combination, and the right to assemble peacefully and without arms, for purposes not opposed to law or morality.

(ii) Every citizen shall enjoy freedom of conscience and the right freely to profess and practise his religion, subject to public order and morality.

(iii) The culture, language and script of the minorities and of the different linguistic areas shall be protected.

(iv) All citizens are equal before the law, irrespective of religion, caste, creed or sex.

(v) No disability attaches to any citizen, by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.

(vi) All citizens have equal rights and duties in regard to wells, tanks, roads, schools and places of public resort, maintained out of State or local funds, or dedicated by private persons for the use of the general public.

(vii) The State shall observe neutrality in regard to all religions.

No such detailed enumeration of rights has been drawn up by any minority community; but the 'Fourteen Point' statement of Moslem claims, adopted by the All-India Moslem Conference in 1929,<sup>2</sup> included the following general clause:<sup>3</sup>

Whereas, having regard to the political conditions obtaining in India, it is essential that the Indian Constitution should embody adequate safeguards for protection and promotion of Muslim education, languages, religion, personal law, and Muslim charitable institutions, and for their due share in grants-in-aid.

<sup>1</sup> Text in Part II, Appendix V, p. 381.

<sup>2</sup> Part I, 96.

<sup>3</sup> Text in *Simon Report*, ii, 85.

There is material, moreover, outside India which deserves the study of those who will be concerned with drafting an Indian declaration of rights. One of the results of the last World War was the enlargement of certain old States and the creation of certain new ones and, since in all of these States the minority problem was more or less acute, they concluded treaties with the principal Allied and Associated Powers, or in a few cases made declarations to the same effect, guaranteeing minority rights. The first treaty and the model for the rest was the Polish Treaty of 1919.<sup>1</sup> The seventh and eighth articles were as follows:

*Article vii.* All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Polish Government of an official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.

*Article viii.* Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as other Polish nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

The ninth article provided for the use of minority languages in primary schools and for the apportionment to minorities of an equitable share of public grants for educational, religious or charitable purposes.

In the twelfth and last article Poland agreed that the minority provisions of the Treaty constituted 'obligations of international concern' and should be 'placed under the guarantee of the League of Nations' and should 'not be modified without the assent of a majority of the Council of the League'.

The other 'Minority Treaties' followed the same lines. The fourteenth article of the Greek Treaty of 1920 (which was partly reproduced in the Yugoslav and *mutatis mutandis* in the Turkish Treaty) may be singled out as being concerned with Moslem rights.

Greece agrees to take all necessary measures in relation to Moslems to enable questions of family law and personal status to be regulated in accordance with Moslem usage.

Greece undertakes to afford protection to the mosques, cemeteries and

<sup>1</sup> Text in *British and Foreign State Papers*, 1919, vol. cxii, p. 286, and in C. A. Macartney, *National States and National Minorities* (London, 1934), 502 ff.

other Moslem religious establishments. Full recognition and all facilities shall be assured to pious foundations (*wakfs*) and Moslem religious and charitable establishments now existing, and Greece shall not refuse to the creation of new religious and charitable establishments any of the necessary facilities guaranteed to other private establishments of this nature.<sup>1</sup>

A last example may be found in the Anglo-Irish Treaty of 1921, of which Article XVI was as follows:<sup>2</sup>

Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof, or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects state aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

From such material it should not be difficult to draft a declaratory chapter of the Indian constitution, setting forth the general rights to which minorities are by common consent entitled.

## 2

*Political safeguards* may be defined as parts or processes or working rules of the constitutional machine. As regards the legislature three such safeguards have been dealt with in the preceding chapter—reservation of seats, 'weightage' and separate electorates. These are already in operation in the Provinces and are likely, as has been said, to be retained. The other existing minority safeguard—the Governor's 'special responsibility'—will presumably disappear: for under complete self-government the 'head of the State' cannot be the agent of an external authority and is unlikely to be entrusted with power to override the Government and legislature, except, conceivably, on a question of appealing to the people by a dissolution. Nor, in any case, would it satisfy communal sentiment to entrust one man with the power to decide communal issues since, whatever his personal integrity, he would in most cases be either a Hindu or a Moslem. There is more than one practicable method of replacing this external or personal check. For legislation it is possible to require that no bill involving communal issues may be introduced or carried and no resolution passed unless a fixed proportion of the representatives of each major community votes for it. A provision of this kind figured in the old pre-1921 constitution of the Congress, which contained a clause providing that no subject could be discussed or resolution carried in the Session if three-fourths of the Moslem or of the Hindu delegates objected, provided that the objectors constituted not less than one-fourth of the whole assembly.<sup>3</sup> This clause has disappeared from

<sup>1</sup> *British and Foreign State Papers*, 1920, vol. cxiii, p. 476.

<sup>2</sup> Text in A. B. Keith, *Speeches and Documents on the British Dominions, 1918-1921* (O.U.P.), 81.

<sup>3</sup> Part I, 46.



the Congress constitution, but the substance of it was reproduced as the second point in the Moslem resolution of 1929.

Whereas it is essential that no bill, resolution, motion or amendment regarding intercommunal matters be moved, discussed or passed by any legislature, Central or Provincial, if a three-fourths majority of the members of either the Hindu or the Muslim community affected thereby in that legislature oppose the introduction, discussion or passing of such bill, resolution, motion or amendment.<sup>1</sup>

The value of this safeguard is plain—and it seems evident that the constitutional problem as a whole cannot be solved without abandoning the principle of decision by a bare majority—but it might prove difficult to work; for it would not always be easy to determine whether a bill or resolution did in fact affect communal issues, and to apply the provision to all proceedings would be a formidable brake on the business of the legislature.

As regards administration, it is as common as it is natural for minorities to claim a fair proportion of posts in the civil services. Thus the twelfth Moslem point in 1929 was

Whereas it is essential in the interests of Indian administration that provision should be made in the constitution giving Muslims their adequate share along with other Indians in all services of the State and on all statutory self-governing bodies, having due regard to the requirements of efficiency.<sup>2</sup>

The last words are important. The principle of recruiting Moslems to the civil service to some extent by other means than open competition has long been in operation in India. It is justified on the ground that the general state of Moslem education is admittedly more backward than that of Hindu education. Nor did the Congress Ministries of 1937-9 set aside this procedure: they claimed, indeed, to have applied it generously.<sup>3</sup> Conceivably, therefore, some general provision for minority representation in the services might be embodied in the constitution. But to press the case to its logical extreme, to demand that the communities should be represented in strict proportion to their numbers, would certainly not be paying 'due regard to the requirements of efficiency'. To maintain the provision, indeed, in any form at all is undesirable in principle: efficiency should be the only test; but, as with separate electorates, the continuance of the system for the present must presumably be taken for granted in the hope that, like separate electorates, it will some day cease to be needed. The need will lessen as the standard of Moslem education rises; and that is one of the reasons why it has been said that the best service that can be done to the cause of communal peace in India is to bring Moslem education up to the Hindu level.<sup>4</sup>

<sup>1</sup> *Simon Report*, ii, 84-5.

<sup>2</sup> *Ibid.*, 85.

<sup>3</sup> Part II, 187.

<sup>4</sup> The question is also bound up with the paucity of careers available to members of the middle-class intelligentsia, and in that respect the further development of industry, business and applied science in India should make for a lessening of antagonism. (See Beni Prasad, *op. cit.*, 110-11.) But it is not by any means only a middle-class question. It affects all sections of society.

One further political safeguard seems well worth consideration. It has been suggested by more than one Indian publicist that a Communal Council might be set up in each Province to assist in dealing with communal questions. It might consist of three 'elder statesmen', no longer directly involved in politics, each of them, where possible, belonging to a different community and appointed, perhaps, by the members of that community in the legislature. Such a body might be entrusted with something akin to the existing Governor's 'special responsibility' for safeguarding minority rights. As regards legislation, instead of adopting the 'three-fourths' principle in the form outlined above, a bill or clause or resolution might be referred to the Council, if three-fourths of the minority members desired. Similarly, if an act of administrative injustice were alleged which was not covered by any specific provision of the constitution and could not therefore be dealt with by the Courts, it might be brought before the Council by petition. It would be a matter for discussion whether the decisions of the Council should be binding, like those of a present-day Governor in discharge of his 'special responsibilities', and thus have the effect of vetoing a bill or a clause or of making a resolution ineffective, or whether the Council should only make recommendations to the Government concerned. In the latter case the recommendations would presumably be published. The Council might also be given a positive function. The Minority Treaties in Europe provide that any member of the Council of the League of Nations is entitled to bring to the Council's attention 'any infraction or danger of infraction' of the minority safeguards in the treaties. Might not the Communal Council be entrusted with a similar 'watching brief'?

## 8

*Cultural Safeguards* may be defined as provisions which enable a community to control its own cultural life, particularly with regard to religion, language and education. They represent an attempt to separate culture from politics. The faith a man professes, it is argued, the speech he uses, his cultural traditions and pursuits, are not matters by which his citizenship should be determined in the modern world. They concern nationality, not the State. Indeed, if those two conceptions could be completely divorced in practice, there would be no minority problems left. But, short of that, should not the members of a nationality or community be permitted at any rate to regulate their own cultural life? Liberal thought would give only one answer to that question. Cultural autonomy, it would maintain, is clearly right in principle: but it raises the old issue of freedom and unity; it must not be stretched to the point at which it would seriously weaken the cohesion of the State.

The best-known example of cultural autonomy is the *millet* system as practised under the old Ottoman Turkish Empire. The *millets*—an Arabic word for which there is no exact Western equivalent—were minority com-

munities based on religion. They were headed by religious dignitaries, but the functions they performed for their members were by no means entirely ecclesiastical. They registered births, deaths, marriages and wills; maintained law-courts to decide cases of personal status as between their own members and even to deal with ordinary civil litigation in which both parties were members of the same *millet*; and raised taxes to pay their way; and these functions, which in the West would be regarded as attributes of sovereignty, and as such would be jealously monopolised by the State, were expressly delegated to the *millets* by the Ottoman Government, which, in the fields which it thus assigned to the *millets*, upheld their authority by the sanction of its own political and military force.<sup>1</sup>

The most important *millet* was the Moslem community, to which, however, the actual name was not technically applied: it lived under Moslem canon law, and the Grand Mufti at Constantinople was its head. Then came the *Millet-i Rum*, which included all the Sultan's subjects who were members of the Greek Orthodox church. This was partly broken up in 1870 by the creation of the Bulgarian Exarchate and a separate Bulgarian *millet*. There were also Armenian, Jewish, Catholic, Protestant and Gipsy *millets*.

In addition, there were some Christians who lived in the Ottoman Empire but were not subjects of the Sultan—especially merchants of Venice, France, the Netherlands and England. They were conceded extra-territorial rights which gave them communal autonomy on the *millet* principle under the presidency of their ambassadors. Like the Oriental Christians of the *millets*, these Western strangers within the Sultan's gates might manage their own affairs in their own way so long as they paid submissively the tolls, regular or irregular, which the Sultan and his slaves exacted from them.<sup>2</sup>

The *millets*, like the foreign capitulations, were abolished by the Treaty of Lausanne in 1923. They had fulfilled a useful function in relieving the Ottoman Government of the embarrassing task of administering the local affairs of alien communities within the Empire. Some such arrangement, indeed, had been almost a necessity, since the law of the Koran, a civil as well as a religious law, could not be applied in its integrity to Christian communities. The price paid for it was the price that has to be paid in a greater or less degree for any devolution of State authority, of any concession to the principle of local or communal self-government—a loss of unity. The *millets* quarrelled among themselves: riots were frequent, especially in Jerusalem. By perpetuating a separate communal life they encouraged the growth of anti-Turkish nationalist movements. They even conspired with foreign Powers behind the Turkish Government's back. Nevertheless the *millet* system served its purpose as long as the Ottoman Empire lasted, and its weaknesses were only a minor factor in the situation which brought about the Empire's fall.

<sup>1</sup> A. J. Toynbee and K. P. Kirkwood, *Turkey* (London, 1926), 26-8.

<sup>2</sup> *Ibid.*, 28-30; Odysseus, *Turkey in Europe* (London, 1900), 296-7.

A good deal has been heard in recent years of cultural autonomy in Russia, but only in the most general terms. Few travellers visited the areas concerned before the war, and little was published about them. It seems impossible to say with any certainty or in any detail how in fact the Russian cultural policy has worked.

The constitutional position is clear enough. (1) The Union Republics which together constitute the Union of Soviet Socialist Republics possess equal sovereign rights outside the field allotted to the Union. (Art. 15 of the Constitution of 1936.) They can secede from the Union at will (Art. 17). The boundaries of their territory cannot be altered without their consent (Art. 18). But the Union's field covers all major political and economic matters, and it also includes 'the establishment of the basic principles in the spheres of education and public health' and 'the judicial system and judicial procedure' (Art. 14). (2) Article 128 guarantees 'the equality of the rights of the citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life'. (3) The Union Republics are divided into Autonomous Republics and Autonomous Regions. Each of these has its own constitution, 'which takes into account the specific features of the Autonomous Republic and is drawn up in full conformity with the constitution of the Union Republic' (Arts. 22-9).

The constitution thus clearly separates culture from politics in principle. The best, almost the only, information as to how it has worked in practice is to be found in the Sidney Webbs' masterly *Soviet Communism*.<sup>1</sup> They point out that a fairer treatment of cultural minorities had been a plank in the Communist platform before the Revolution, and that early in this century Lenin had observed 'the popular discontent caused by the Tsarist insistence on the "Russification" of all the national minorities within the Empire'.<sup>2</sup> After the Revolution (1918-22) the problem of the minorities was allotted to Stalin. As to the policy which ultimately emerged, the Webbs stress the importance of the fact that the local self-government of the Autonomous Republics and Regions is entrusted to natives thereof. Apart from that, they write, cultural autonomy is 'mainly a matter of permitting the use of the vernacular for all activities that are lawful in the Soviet Union'. This does not mean, they are careful to add, that a new right has been acquired 'to conduct any activities that may be alleged to have been part of the vernacular culture'.<sup>3</sup> They admit that the policy was often costly, that it often made for administrative inefficiency, and that it was criticised and opposed. The State Bank, for instance, was antagonistic, mainly because of the difficulties which arose from book-keeping in the vernaculars. Nor did the basic principle of the policy escape attack. It was argued that devolution of authority in cultural matters might encourage tendencies towards political separatism. But

<sup>1</sup> *Soviet Communism: a New Civilization?*, 2nd ed.; re-issue (London, 1941).

<sup>2</sup> *Ibid.*, 189.

<sup>3</sup> *Ibid.*, 189, 144n.

the Communist Party declared against such "Pan-Russian chauvinism" as being even more subversive than local nationalism.<sup>1</sup>

Separatism in any case could not easily gain strength. A Republic, it is true, possesses the right of secession from the Soviet Union, but it would not find it easy to exercise it. The cultural policy is purely cultural: the Republics have no autonomy in political affairs. Moreover, as the Webbs explained, education, for the present at any rate, is inevitably given a Russian complexion and is controlled by the Communist Party.

There is, indeed, necessarily an overriding unity amid all the prudent diversities of the service of education of the U.S.S.R. The majority of the teachers are, at present, necessarily of Russian extraction, and usually of Russian training. All of them have been educated in Russian literature. In all schools Russian is, if not the first, always the second language. Nine-tenths of all the existing books are in the Russian language. Among the lesser nationalities, only the Ukraine, which has been in some respects in advance of the R.S.F.S.R.,<sup>2</sup> can find a complete educational staff of its own. All the rest have still to depend, for all but common schooling, to a considerable extent on the products of Moscow, Leningrad and Kiev. . . . Finally, an increasing proportion, though still only fewer than a quarter of all the teachers, are members of, or candidates for, the Communist Party, or the Young Communist League. The whole tone of every school is avowedly and markedly Communist, and no rival doctrine is inculcated.<sup>3</sup>

Of other systems of cultural autonomy the Estonian system may be singled out, since, to quote an authoritative writer on the minority problem in Europe, 'according to the repeated statements of minorities and majorities alike it has proved a brilliant success'.<sup>4</sup>

The Estonian Constitution of 1920 contained the following two articles. (1) 'All Estonian citizens are equal before the law. Differences of birth, religion, sex, status or nationality cannot be the cause of any favour or discrimination in public life.' (2) 'Every Estonian citizen is free to determine his own nationality. If he cannot do this personally, the law shall do it.' Other articles guaranteed to the minorities education in their mother-tongue and allowed for the establishment of cultural autonomy.

The committee, which was appointed to draft a cultural autonomy law, proceeded, according to the official statement afterwards published, on the following principles. (1) All minorities were to be given the same footing and the same opportunities of cultural development. (2) A person's 'nationality' should be determined by his own declaration. (3) Cultural autonomy was to be considered in law as a branch of social self-government: it would, therefore, like local self-government, be under the control of the State. (4) It must rest not on a territorial but only on a personal basis. (5) A minority's cultural needs must be clearly differentiated from its

<sup>1</sup> *Ibid.*, 146. Despite this decision the special latinised alphabet invented for the use of Russian Asia was abandoned in 1940 in favour of the Russian (Cyrillic) script. V. Connolly, *Soviet Asia* (Oxford, 1942), 21; E. S. Bates, *Soviet Asia* (London, 1942), 92-3.

<sup>2</sup> The Russian Soviet Federative Socialist Republic, the largest of the constituent Republics of the U.S.S.R.

<sup>3</sup> *Soviet Communism*, 896.

<sup>4</sup> C. A. Magartney, *National States and National Minorities* (London, 1934), 408.

political needs: this should be done on the one hand by an exact delimitation of the powers to be exercised by the autonomous community and on the other hand by the maintenance of State control over it.

On these principles an Estonian Cultural Autonomy Law was enacted in 1925.<sup>1</sup> Its main provisions were as follows. (1) It applied to the German, Russian and Swedish minorities and to any other minority numbering not less than 3,000 persons. (2) Individuals were to determine whether they belonged to a minority and could remove their names from its register at any time. (3) If at least 50 per cent. of the persons registered desired it, elections would be held for a Cultural Council, and, if at least 50 per cent. voted, it would be convoked. (4) If two-thirds of the members of the Council declared in favour of cultural autonomy, it would be conceded. (5) The organs of autonomy would be the Cultural Council (of not less than 20 and not more than 60 members) and a small Executive Committee. Local Councils might also be appointed. (6) The Councils' 'sphere of competence' would cover all educational affairs and other cultural matters such as libraries, theatres, museums and charitable institutions. (7) They would take over from the State all its rights and duties and financial obligations with regard to their schools. They would receive from the State and the local authorities the sums due from them for the upkeep of those schools and a proportion of other State subsidies. (8) For general cultural purposes they would be empowered to levy taxes on their own members, subject to the approval of the Ministers of Finance and Education, and would be entitled to a proportionate share of State grants for such purposes. (9) The State would have the right to dissolve a Cultural Council and order new elections.

One fundamental point may be stressed in this interesting and so far successful experiment. It severs culture from politics even more completely than the Russian system. Cultural autonomy in this form has thus nothing to do with political devolution or partition: it is not based on territorial enclaves: it is exercised by all those persons in the State, wherever they live, who desire to be registered as belonging to a cultural minority.

#### 4

Such are some of the methods of safeguarding minority rights—and others, no doubt, could be devised—which might be embodied in the Indian constitution. Since their sole purpose is to satisfy the reasonable claims of the minorities and to convince them that their interests are reasonably secure, three questions remain to be considered.

(1) How can agreement be obtained as to the precise form the 'safeguards' should take?

The best answer to this question has already been given by the Congress. The scheme for a Constituent Assembly as formally adopted in 1940 provided

<sup>1</sup> A *précis* of the Law and of the official explanatory statement is given in Appendix II, p. 186 below. See also Macartney, *op. cit.*, 407-8.

that 'in the event of some matters relating to minority rights not being mutually agreed to, they can be referred to arbitration'.<sup>1</sup> Another resolution at the same Session declared that the rights of all recognised minorities would be secured by agreement 'or by arbitration if agreement is not reached on any point'.<sup>2</sup> And at about the same time Mr. Gandhi spoke of submitting points of disagreement to 'the highest and most impartial tribunal that can be conceived by human ingenuity'.<sup>3</sup> This proposal refutes the charge that the Congress leaders intend to deal with minority claims by the simple process of majority voting; but it does not solve the whole or indeed the most difficult part of the problem of disagreement. For the major issues are not arbitrable. The highest and most impartial tribunal could not determine the precise validity of the 'two-nation' doctrine or its application in terms of constitutional arithmetic, nor could it be expected to arbitrate on such basic constitutional principles as the relations between the legislature and the executive. As regards 'safeguards', however, or some of them, arbitration is clearly feasible. The retention of separate electorates would not be arbitrable, but the Communal Award, on which the existing system of minority representation in the legislatures is based, was a sort of arbitral decision, and it could be submitted to an arbitral body for reconsideration if the minorities so desired.

(2) What assurance can be given that the 'safeguards' as now determined by agreement or arbitration will be maintained in the future and not altered or even abolished without the minorities' consent?

Constitutional amendments cannot be ruled out. The most perfect constitution would inevitably break down in time if it could not be adapted to changing circumstances, and most written constitutions provide means for their amendment. It has already been suggested, indeed, that the Provinces should be entitled to amend their own constitutions in future and that such features of the new constitution as separate electorates and communal recruitment of the civil services might be regarded as transitional and, if all went well, might some day cease to be needed. But, if amendment must always be possible, it can be made difficult, and in the special conditions of India it surely ought to be made difficult. It would be possible to adapt the American precedent and ordain that no change at all should be made in the constitution for a period of years and that thereafter any change should require the assent of, say, a three-fourths majority of the minority representatives in the legislature. Alternatively, the articles of the constitution dealing with minority rights might be singled out and 'entrenched', i.e., they would be made subject to amendment by a special process not applicable to the rest of the constitution.<sup>4</sup> Such a process might be associated with the three-fourths rule. It should not be difficult, in fact,

<sup>1</sup> See p. 33 above.

<sup>2</sup> Part II, 288.

<sup>3</sup> *Ibid.*, note 1.

<sup>4</sup> E.g., the South African Constitution (section 152) provides that no repeal or alteration of certain sections of the Act shall be valid 'unless the Bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses'.

by this or that provision of the law to ensure that the protection it gives to minorities can only be modified with their consent.

(8) Granted that the 'safeguards' can be maintained in law; how can it be guaranteed that they will operate in fact?

Of all the questions that can be asked about the 'safeguards', this is obviously the most important, and the answer is simple. There are only two methods of ensuring that the laws of any country are observed, one external, one domestic. The external method is to entrust the responsibility for enforcing them to some powerful external authority. That is what has happened in India under the British Raj. The duty of seeing to it that the law is kept has been vested in the last resort in Parliament. Another example is furnished by the Minority Treaties which declare that the provisions they contain for the protection of minorities are 'obligations of international concern' and are guaranteed by the League of Nations. But, apart from the practical difficulties, already experienced in Europe, of external supervision and intervention, it may be taken for granted that the bulk of Indian public opinion, if only because it has so long been restive under foreign control, would not readily acquiesce in its continuance in any form, nor would minority sentiment want to purchase security at a price which would so ill accord with the new consciousness of independent nationhood. For these and other reasons it will be argued in Chapter XIII that the proposal in the Draft Declaration of 1942 for an Anglo-Indian treaty providing for 'the protection of racial and religious minorities' is an unsatisfactory proposal and should be reconsidered. There is one condition and one only on which Indian nationalism could be expected to accept an external guarantee for the keeping of Indian laws: that is, if it were international, and wholly, not partly, international. For India under a 'minority treaty' would be entitled to share in the resentment expressed by the Treaty States in Europe at the fact that the minority obligations are imposed on them alone and not on other States in which the minority problem likewise exists, and to echo their claim that all such States should submit to the same *régime*. If the United Kingdom, for example, were willing to undertake specific obligations as to the treatment of the Catholic minority in Northern Ireland, or the United States as regards the Negroes, or South Africa as regards its Bantu inhabitants (numerically a majority, but a minority in status), and to recognise the right of an international authority, in which India *ex hypothesi* would be represented, to supervise and in the last resort to enforce the fulfilment of those obligations, then India might conceivably be willing to share in such a system on equal terms with all the other nations concerned. But that condition can scarcely be regarded as practical politics, and the guarantee for the operation of the minority safeguards in the constitution must therefore be found in the second or domestic alternative, i.e., the Sovereignty of the Law. It may be assumed that, in a free country such as India means to be, every precaution will be taken that a minority plaintiff has access to the Courts and that the



meaning of the law is interpreted by indisputable authority. There would be a right of appeal, no doubt, from the Provincial Courts to the Supreme Court of the Union, and, though this is also a matter on which nationalist opinion is sensitive, a further appeal might be allowed to the International Court, since it would be a question of interpretation only and not of action. When the law is known, it must take its course. The need for a paramount and universal respect for the law in India has been stressed on previous pages. Without that respect, the future of India would be dark indeed, and not only as regards intercommunal relations. Given that respect, the minorities can be confident that the 'safeguards' provided for them in the constitution are not made of paper and will operate as the law intends they should.

## CHAPTER VII

### THE PROVINCIAL CONSTITUTIONS: III. THE EXECUTIVE

#### 1

THE embodiment of multiple 'safeguards' in the Provincial constitutions, their definition at need by arbitration, the public recognition that they are part of the Sovereign Law, that they cannot be changed without the consent of the minorities concerned, and that they can be enforced by appeal to the Courts—all that should go far to make the minorities in the Provinces feel secure. But it is not enough. It satisfies only half the needs of the situation, or less than half. For the protection of minority rights is not the dominant issue. It was not their violation, as has been seen, that intensified the Hindu-Moslem feud. It was the belief implanted in Moslem minds by the events of 1937 that they were to be subjected to a Hindu Raj, and the sharper consciousness of minority status and the complex of pride and fear which that provoked. 'Safeguards' do not weaken minority-consciousness, they strengthen it; and, though they may help to exorcise suspicion and anxiety, they do not disguise or conceal, they rather underline and emphasise, the hard fact of majority rule. What the minorities plainly need is not so much protection against the abuse of power as participation in its exercise. That in itself is a better protection than any 'safeguards'; and that alone can temper the minorities' self-consciousness and satisfy their self-respect. 'Minorities should feel', said Mr. Muhammad Ali, whose frank discourses in the days before the Act of 1935 so often went to the heart of the Hindu-Moslem problem, 'that the Government is their Government and that they have a part in the administration of the country.'<sup>1</sup>

The British parliamentary system meets that need by the alternation of party Ministries and its corollary, the habit of government by discussion and compromise. The minority in the House of Commons is made aware in two ways that it has 'a part in the administration of the country'. In the first place it is constantly making an effective contribution to the debates and the divisions—a fact that is strikingly illustrated by the Opposition being officially entitled 'His Majesty's Opposition' and its leader receiving a salary as an officer of State.<sup>2</sup> Secondly, the leaders of this Opposition constitute a 'Shadow Cabinet' which is normally expected sooner or later to take the place of the Ministers they oppose. (That is the chief reason why it is so easy to form National Coalitions in an emergency.) This method of combining the principle of 'majority rule' with the principle of 'minority rights' under a democratic system of government is only made possible, of course, by the fact that British society is sufficiently homogeneous, that the community is a real enough community, that political standards and values

<sup>1</sup> Part II, 109.

<sup>2</sup> Under the Ministers of the Crown Act, 1937.

and purposes are near enough alike, to enable the weight of public opinion to shift from one side to the other and to make it a matter, not indeed of indifference but not of superlative importance, by which of the parties the King's Government is for the time being carried on. Those conditions are far from being realised in India. Indian society is by no means homogeneous; and, as long as the Hindu-Moslem schism in particular cuts so deep, as long as political allegiance is primarily a question of religion, as long as political opinion is divided not on social and economic but mainly on communal issues, so long it will be impossible to reproduce in India the alternation between majorities and minorities on which the operation of the British parliamentary system depends. Till the consciousness of common interests triumphs at last over the consciousness of communal division, the balance of power can never change. Natural increase of population cannot change it: the proportion of Moslems in the Hindu-majority Provinces, as in India as a whole, is too small. Nor is religious conversion on a large enough scale conceivable. The Moslems, therefore, in these Provinces, as in India as a whole, must be *always* a minority.

It was precisely for reasons of this kind that British statesmen hesitated so long to acquiesce in the adoption of the British parliamentary system in India. How opinion swung to and fro has been described in Part I of this Report;<sup>1</sup> and, when finally it was decided in 1935 that the experiment begun in 1919 should be continued, it was still recognised that the parliamentary system could not work in India as it worked in Britain. In particular it was taken for granted that the Provincial Governments would not be single-party Governments but coalitions. It does not seem, however, to have been realised that separate electorates logically necessitated coalitions; and, owing to the old-established British belief in the need for elasticity in the working of any constitution and in the merits of custom and usage as against written law, the Act did not require that the chief minorities should be represented in the Governments: it was left to the Governors under their Instructions to bring this about as far as they could.

The outcome, which has been fully described in Part II of this Report, can be briefly restated. Coalitions of a sort were established in all the non-Congress Provinces. They were imperfect coalitions because the minority communities were not all represented by their chosen leaders. Thus the Hindu Ministers in the Punjab Government, though abler men than any Moslem Minister in a Congress Province, have not been backed by the majority of the Hindus, nor, till the new appointment made in 1942, was the Sikh Minister backed by the majority of the Sikhs. In Bengal, similarly, the Hindus have not been adequately represented in the Government, mainly because, except between December 1941 and March 1948, no Congressmen have been in it. The situation in Sind and Assam has been more obscure owing to the instability of the party balance in the legislature and

<sup>1</sup> See especially Mr. A. J. Balfour's observations (p. 26) and the comments of the *Simon Report* (pp. 105-6).

the frequent changes of Government. But in the three of those non-Congress Provinces in which the Moslems are in a clear majority, though the Government has constantly been denounced as prejudiced in favour of the Moslems, the *régime* has not been regarded, till the last few months at any rate, as a Moslem Raj to the extent to which the *régime* in the Congress Provinces was regarded as a Hindu Raj.

In the Congress Provinces there was no question of coalitions. The Congress 'high command' attempted to deal with the Moslem League, not by coalition, but by absorption. Had they succeeded, the leading Moslem politicians in those Provinces would have figured in the Governments. As it was, the Moslem Ministers were not the leaders of their community: they proved hard to find and were mostly ill-qualified for their high office. Ministers were also appointed from members of the Scheduled Castes in Madras, Bihar, and Assam,<sup>1</sup> but, like their Moslem colleagues, they were Congressmen, and where, as in Bombay, the Scheduled Castes had an effective organisation of their own, its leaders were excluded from office like the leaders of the League.

As explained in Chapter II, it was this exclusive policy, this Congress claim to be sufficiently representative of all the communities, that, more than anything else, intensified communal antagonism and brought about the present *impasse*. The lesson is plain, and it has been read by many Indians. For some time past it has been widely recognised in India that, if responsible Governments were restored to the Provinces which have lost them since 1939, they would have to be coalitions, in most of which the Moslem League would share. Such a concordat would also operate presumably in the non-Congress Provinces and facilitate the establishment of more complete and effectual coalitions therein. The constitution-makers, therefore, in so far as they retain the parliamentary system in the Provinces, may decide to do what the authors of the Act of 1935 failed to do and make it part of the law that the Provincial Governments should be coalitions or in other words that they should be composed of the leaders of the major parties in the legislatures roughly in proportion to the size of those parties.

It may be objected that statutory coalitions of this kind imply the permanent domination of the two greatest parties to the exclusion of the smaller ones. There is more than one reply to that objection. First it must be frankly confessed that in any system of representative government there is a practical limit to the rights a minority can enjoy and that, if a minority in a Province is not large enough to obtain a representative in a Government which must not be too large itself, it must depend for its security on the strict enforcement of the 'safeguards'. Secondly, for all the inhabitants of a Province, to whatever community or party they

<sup>1</sup> There was one in Madras, one in Bihar, and two in Assam under the Congress premiership of Mr. Bardoloi. There has been one in Sir Muhammad Saadulla's second and third Ministries. In Bengal there were two till 1941, one from 1941-8, and there are now three.

belong, scarcely any price could be too high to pay for a genuine and lasting Hindu-Moslem agreement. Thirdly, coalitions under the new *régime* between the major parties, which, it may be assumed, would still in the first instance be the dominantly Hindu Congress and the wholly Moslem League,<sup>1</sup> would make possible, as nothing else perhaps could, the fulfilment of the supreme need of Indian politics. Communal co-operation would not be confined to the Government. It would be reflected in the legislature. And the minor parties, who would constitute the Opposition, could not combine among themselves or against the Government on communal issues. Social and economic issues would thus at last attain their proper predominance. The Opposition would tend to become more Left or Right than the Government. And these natural divisions would also tend to make themselves felt within the great coalition parties. Dissident groups would split away to Right or Left until in the end the great parties had lost not only most of their communalism but also much of their strength, and the way would be open for a new and better-balanced alignment of political forces.

## 2

If the Constitutional Convention decides on statutory coalition Governments, it will be confronted with a further question. Should the Governments be responsible to their legislatures on the British model?

This is not a new question. It was argued in the course of the long debate which led up to the Act of 1935, some maintaining that the 'responsible government' promised in the Announcement of 1917 must mean the traditional British kind, others that Governments can be responsible in other ways than the British. But the spokesmen of the latter school did not press their case, nor did they submit specific proposals for any other method than the British;<sup>2</sup> and it was finally taken for granted that the British method, already partly established under the Act of 1919, would continue to operate under the Act of 1935. This assumption was not fulfilled in the Congress Provinces. The Congress Governments were regarded as responsible not only to their legislatures but also to the Congress 'high command', on whose orders they resigned in 1939.<sup>3</sup> But in the non-Congress Provinces responsible government has operated as the authors of the Act of 1935 assumed that it would, and in four of them it has so operated for six years. In Bengal, Assam and Sind the Governments have normally depended from day to day on the support of the majorities in their legislatures. When they have lost or seemed certain to lose that support, they have resigned. It is only because the Punjab Government has never lost its hold on the majority of the Assembly that it has remained

<sup>1</sup> The Scheduled Castes in some Provinces and the Sikhs in the Punjab would also be represented.

<sup>2</sup> Brief allusions were made from time to time to non-British models: e.g., Part I, 116-17.

<sup>3</sup> Part II, 96.

in office since 1937 without a break.<sup>1</sup> What light does this substantial body of experience throw on the question of responsibility?

In all the non-Congress Provinces except the Punjab the most unsatisfactory feature of the new *régime* has been the instability of their Governments. The Ministry has resigned and been replaced by another Ministry four times in six years in Sind and three times in Assam. If Mr. Fazl-ul-Huq retained for nearly six years the Premiership of Bengal, it was only by means of several changes in the composition of his Cabinet, the last of them so drastic as virtually to constitute a change of Government. None of these Provinces has developed a steady party system, enabling Ministries to be reasonably assured of a solid majority between one General Election and another. In Assam, Sind and Bengal—in that order of priority—the course of politics has been something like a continuation of the previous contest at the polls; and the politicians, instead of accepting the verdict of the elections for the time being and doing what they could under those conditions to see that the Province was well governed, have kept alive the question as to who should govern it. Intrigues, cabals, attempts to seduce this or that group or individual from their allegiance have created an atmosphere of personal and party jealousy and rancour and from time to time of tension and crisis which has diverted public attention from the primary issues of legislation and administration. Nor has it been easy for Ministers to concentrate on their difficult day's work in the knowledge that a conspiracy, hatched up overnight, might turn them out of office on the morrow. Nor, again, in these circumstances have the discussions in the legislature been as helpful as they might otherwise have been. If the Opposition is making continual attempts to upset the balance of power, if the battle, so to speak, is always joined, criticism of the Government tends to be unconstructive, immoderate, personal, and, above all, communal. In Bengal and Sind and even in the steadier Punjab the day-to-day attacks on Ministers in the legislatures and in the Press have provided some of the best fuel for stoking the fires of communal strife. To make Indian Governments more stable, therefore, would be one of the ways of overcoming the major difficulty of Indian politics.

Coalition Governments would be, for a period at any rate, more stable Governments because the Opposition parties would not be strong enough to attempt their overthrow. But, as has been suggested above, the balance of power would probably alter as time went on and new alignments were established on social and communal issues. Before very long Governments might again be compelled to give most of their time and energy to the task of maintaining their position in their legislatures from day to day. The question thus arises whether a Government's tenure of office ought to depend in India, as it does in Britain, on the day-to-day support of the legislature. The supremacy of the House of Commons in British politics is unquestioned.

<sup>1</sup> On the death of the Premier, Sir Sikander Hyat Khan, at the end of 1942, his colleagues remained in office and retained the support of the Assembly: see p. 2 above.

That it should surrender its power to exert its will at any time it chooses is inconceivable. It is in its debates and decisions that in the last resort British public opinion puts its trust. Nevertheless British Governments are normally stable Governments, immeasurably more so, for example, than those of pre-war Franco. And this has not only been due to the operation of a strong and (till recently) a well-balanced party system. The present relationship between legislature and executive is the outcome of experience of responsible government over a lengthy period during which its peculiar British form has been gradually worked out. It is quite otherwise in India. Since it failed to obtain an effective preliminary trial under the dyarchy established in 1919,<sup>1</sup> responsible government of this fully developed British type has been introduced in India suddenly and at one stroke. Can it, then, be expected to work in India as well as it works in Britain? And there is a further question. It has been observed in Chapter III that the authority of the law has been to some extent undermined in India by the nationalist movement, and it was suggested that on the full restoration of that authority the future peace of India will largely depend. But for the vast majority of Indians the Government personifies the Law, and respect for the one implies respect for the other. It seems equally necessary, therefore, for the Government, as such, to recover its old prestige, and this will not be easy if it continues to be exposed to the intemperate and irresponsible attacks in the legislature and in the Press which are prompted by the heat of daily battle. It was natural for Indian patriots to try by all means to bring the Government 'into contempt' as long as it was under British control; but the technique of vilification and aspersion seems out of date when the Government is a popular Indian Government. Hitherto it was only the legislature that belonged, so to speak, to the Indian people: now the executive is also theirs; and, that being so, ought not the balance of their status in the public mind to be re-adjusted? Is there not a danger that the legislature might be regarded as the main instrument of Indian patriotism and public service? Ought not the executive, no less the choice and servant of the people nowadays, to be accorded at least an equal measure of public respect? Ought it not, indeed, at this stage, to be given a priority? It is worth remembering that the collapse of parliamentary government in Italy and its decline in France before the war were largely due to the fact that the legislatures were too strong and the executives too weak.

It is not, of course, suggested that the executive should be freed from the legislature's control. That is impossible under any valid form of representative government since the executive can only obtain the legislation it needs, and particularly the financial measures without which it cannot carry on, from the representatives of the people. But Indian Governments would certainly be more stable, they would acquire a greater prestige and authority, opposition to them would be more rational and constructive, and

<sup>1</sup> See Part I, 69-72.

*inter alia* communal incendiarism would be deprived of some of its best fuel, if Ministers were assured of retaining office for a reasonable time and no longer liable to lose it any day as the result of a hostile vote in the legislature.

That, it need hardly be said, is not an undemocratic suggestion. It accords with the practice of the greatest democracy and of the purest democracy in the world. The independence of the executive from continuous control by the legislature is a primary feature of both the American and the Swiss constitutions.

In the American constitution the executive is completely separated from the legislature. The President is not a member of the Congress, nor chosen from its ranks. He is elected by the peoples of the States, indirectly *de jure*, directly *de facto*, and he holds office for four years whether his party has a majority in the Congress or not. He chooses the members of his Government himself, and neither he nor they are answerable to the Congress for their conduct except by the method of impeachment which has only once been used against a President and never against other members of the Government.

But no analogy can be drawn between the Government of an Indian Province and the Government of the relatively homogeneous United States; and it seems more than doubtful whether the former needs so drastic a severance of the executive from the legislature. On one point, however—and it is the cardinal point—Switzerland, though immeasurably smaller, can be usefully compared with India. For Switzerland owes its existence to the need, forced on it by geography and history together, of maintaining three different nationalities in one political combination—nationalities which are mainly differentiated by language and religion. At the time of the census of 1930, 71.9 per cent. of the Swiss people spoke German, 20.4 per cent. French, and 6 per cent. Italian. Over 90 per cent. of the people spoke German in fourteen of the twenty-two Cantons, and Italian in one. French was similarly, though not equally, dominant in three Cantons. But this linguistic division has never given rise to serious controversy. Since 1848 the principle has been firmly established that all three languages are the 'official' or 'national' languages of Switzerland.<sup>1</sup> More difficult and dangerous has been the question of religion. In 1930 the Protestants in Switzerland as a whole numbered 2,226,942, and the Catholics 1,488,261. The percentages of Protestants and Catholics in some of the larger Cantons are shown in the following table.

	<i>Protestants</i>	<i>Catholics</i>
Berne . . . . .	87.2	12.0
Vaud . . . . .	86.8	11.9
Zürich . . . . .	78.7	18.9
Aargau . . . . .	58.5	40.7
St. Gallen . . . . .	41.5	57.4
Solothurn . . . . .	39.8	59.8
Fribourg . . . . .	13.5	86.2
Luzern . . . . .	12.2	86.8

<sup>1</sup> W. E. Rappard, *The Government of Switzerland* (New York, 1936), 7-10.



Though Protestants and Catholics are much more evenly balanced in the country as a whole than Hindus and Moslems in India, there is a close analogy between the situation in the Swiss Cantons and that in the Indian Provinces. And the analogy holds good not only in the fact of religious schism but also in the results of it. It was the religious schism which from the beginning of the sixteenth century to the middle of the nineteenth prevented the Swiss from achieving the unity by means of which alone they could preserve their freedom and protect it from their mighty neighbours. From the days of the Wars of Religion onwards, the Protestant and Catholic Cantons required all their citizens to subscribe to the one State faith, and stubbornly refused to combine for their common defence in anything but the loosest kind of military league. So persistent was domestic strife within and foreign intrigue without that, as a distinguished Swiss author puts it, 'one cannot but be surprised at the survival of the Swiss nation as such'.<sup>1</sup> Even as late as a century ago, when new ideas of religious toleration were abroad, Swiss nationhood was still in mortal danger. Fearing that their religion would not be safe if they combined with the twelve Protestant Cantons, the seven Catholic Cantons decided, rather than merge their sovereignty in a federation, to split the country in two and formed the *Sonderbund* or Separate League. The upshot was the civil war of 1847, in which the Separatists were quickly defeated, and in the following year the Swiss Confederation was established.<sup>2</sup>

The framing of the constitution recalled the famous American precedent of 1787. Now as then, issue was joined between those who wanted the constitution to be as unitary as possible and those who stressed the federal principle and fought for the rights of the federating units. Now as then, agreement was achieved by compromise—a compromise which followed the American precedent in providing that the upper house of the Federal Legislature should represent the Cantons on a footing of equality and went beyond it (as will be seen) in the composition of the Federal executive. And, because it was grounded on compromise, the constitution of 1848 (revised, but not altered in its essential structure, in 1874) has proved an unqualified success. The average Swiss, it is said, still feels himself to be a citizen of his Canton first and only secondly a citizen of Switzerland, but the growing habit of migration shows that this local patriotism is no longer exclusive and intransigent. Religious feeling, likewise, is still strong, but no longer bitter and bellicose. The Swiss, in fact, have become in the course of two or three generations what they never were before, a united nation, and a nation so united that twice within thirty years it has successfully withstood the severest possible test. Though the combatants spoke the same language as the diverse sections of the Swiss people and were akin to them in race and culture, and though they fought just outside the Swiss

<sup>1</sup> Rappard, *op. cit.*, 16.

<sup>2</sup> Switzerland is not a confederation in the strict technical sense, but a genuine federation. For the difference, see, p. 194, note 1, below.

frontier, the two great wars have not weakened, they have strengthened, the unity of Switzerland.

Indian students of politics have been interested in the Swiss constitution for some time past, and this interest has grown with the growing importance of the constitutional problem and the growing recognition of communal dissension as the most difficult element therein. Study of the Swiss constitution now figures in the Political Science or History curriculum of several Indian universities,<sup>1</sup> and in the course of the last few years its merits have been frequently discussed by Indian publicists. In 1939, for instance, Dr. C. R. Reddy, Vice-Chancellor of Andhra University and a member of the Madras Legislative Council, argued that a composite Cabinet is the 'natural corollary' of a composite legislature and commended the Swiss example of a composite and independent executive.<sup>2</sup> In 1941, again, Dr. G. S. Mahajani, a member of the Bombay Legislative Council, declared in a public speech, applauded by the veteran Liberal, Sir Chimanlal Setalvad, that the aggravation of the communal problem had been due to the adoption of 'parliamentary democracy' and that the best way of dealing with it was to adopt what he called 'constitutional democracy' or in other words 'to adopt a constitution somewhat akin to that of Switzerland'.

Parliamentary democracy is on a par with the law of succession under which only the eldest son inherits the ancestral property. Constitutional democracy is analogous to some extent to the law of succession in a joint family. . . . Parliamentary democracy stops short with securing to all sections of the people their due share in the parliamentary arm only. Constitutional democracy ensures their getting a due share both in the executive and in the parliamentary arms—i.e., throughout the entire constitution. It is an improvement on the parliamentary system first because it adapts democracy to the needs of a nation of non-homogeneous composition and secondly because it does not require the special conditions under which alone the parliamentary type can function. In fact the constitutional type is the mature and developed form of the parliamentary type.<sup>3</sup>

The Swiss constitution accords with both the suggestions made earlier in this chapter as to the needs of the Indian situation. It requires the Federal Government to be a Coalition Government and it frees it from continuous control by the legislature. The relevant provisions are as follows.<sup>4</sup> After the election of the bicameral Federal legislature (National Assembly) by the people of the nineteen Cantons and six half-Cantons, the two chambers in joint session proceed to elect the Federal executive or Council. Its seven members hold office for four years, which is also the lifetime of the legislature. When a new legislature is elected, it elects a new executive. No two of the members of the Council may belong to the same

<sup>1</sup> E.g., Madras, Punjab, Mysore, Travancore, Annamalai, Delhi.

<sup>2</sup> C. R. Reddy, *Congress in Office* (Madras, 1940), 91, 97.

<sup>3</sup> G. S. Mahajani, *The Problem of the Minorities and Constitutional Democracy as its Solution*, with a foreword by Sir C. H. Setalvad (Bombay, 1941), 18.

<sup>4</sup> The text is given in Appendix III, p. 189 below.

Canton. The Federal legislature in joint session also elects the chairman and vice-chairman of the Council from among its members to hold office for one year. At the end of the year the chairman, who is also *ex officio* President of the Confederation, cannot be re-elected as chairman nor elected as vice-chairman for the next year. Vacancies in the Council caused by death or resignation during the four-year period are filled by election at the next session of the National Assembly.<sup>1</sup>

The Swiss model is clearly applicable to an Indian Province—the principle of Cantonal representation being applied not to geographical or administrative areas but to the major parties in the legislature—and it clearly deserves the serious consideration of Indian politicians. For it exemplifies a system of highly democratic government in a society which is by no means homogeneous, and a system which is not only logical in theory but has worked with singular success in practice. In the first place coalition government in Switzerland has meant, as it was bound to mean, government by compromise. Majorities have remained majorities, but minorities have not been subjected to the rigours of pure majority rule; and this has been one of the main factors in healing the old fissures in Swiss society, in tempering religious discord, and in creating in a relatively short space of time a national unity which now seems unbreakable. Secondly, the working of the constitution, while it has freed the executive from day-to-day control by the legislature, has not produced that sense of rivalry between them which is such a constantly recurring feature of politics in the United States. On the contrary, executive and legislature have worked together in remarkable accord; and the former has rarely found it difficult to obtain from the latter the measures, financial or other, which it has needed. Thirdly, Swiss Governments are both stable and strong. They are stable because the legislature, having once elected them, cannot get rid of them. Nor can they on their side dissolve the legislature as British Governments can. They must live out their four-years' life together. Theoretically, indeed, a Swiss Government might seem to be almost too stable. For four years its personnel can only be changed as the result of death or resignation. What happens, then, if the legislature proves to have been mistaken in its choice of one or more members of the executive? Personal incapacity or incompatibility might seriously impair

<sup>1</sup> The operation of these provisions has become subject to four well-established conventions. (1) Berne and Zürich, the leading Cantons with the largest populations, and Vaud, the largest of the purely French-speaking Cantons, have always been represented on the Council, and Aargau, the fifth Canton in size of population, almost always. (2) Not more than five members are chosen from the German-speaking Cantons. (3) The chairmen are elected by rotation in order of seniority, the next senior member becoming vice-chairman. The constitutions of the Cantons, which are roughly akin to each other but not identical, agree with the federal constitution in the election of the executive for a term of office which usually corresponds with the life of the legislature. But they differ from it in so far as the executive is elected not by the legislature but by the people. Nor do the Cantonal constitutions require the parties to be represented in the executive in the same way as the federal constitution requires the Cantons to be represented. Coalition Governments are the rule in all the Cantons, but they result in some of them from the system of election by proportional representation and in others from the custom of inter-party electoral agreements. (4) A vacancy in the Council is filled by a representative of the same Canton and party.

the Government's harmony and strength, and unless a misfit could be persuaded to resign, there would be no remedy. This theoretical difficulty does not seem to have made itself felt in practice in Switzerland, but, if Indian constitution-makers should think of building on the Swiss model, they might consider it advisable to guard against it. The Prime Minister, for example, in the event of such a deadlock as has been suggested, might have the right to ask the legislature for a new election. It would be for the legislature to decide whether the circumstances warranted it.

The strength of Swiss Governments, apart from their stability, is due to an interesting by-product of the constitutional system. The makers of the constitution, stern democrats, distrustful of all authority, intended the legislature, as directly representing the people, to be the dominant power in the State: the executive was to be its servant and carry out its will. But in course of time the Council has come more and more to dominate the legislature. Because, first, he belongs to a coalition, not to a one-party Government, and because, secondly, he is not engaged in constant battle to preserve his Government's life, the Swiss Minister has tended to become less and less of a party politician and more and more of a professional administrator. And this in itself can scarcely be regarded as undesirable; for the government of a modern State is a very difficult and highly technical affair, and, though a democratic politician in charge of a department must always rely on the advice of an expert civil service, he needs nowadays to be something of an expert himself. To a considerable extent this has happened in Switzerland; and the result has been that, instead of merely carrying out a policy decided for it by the legislature, the executive virtually decides the policy—except, of course, when a question is submitted to a referendum of the people—and persuades the legislature to adopt it. Because they are professionals dealing with amateurs, it has been authoritatively stated that 'the influence of the Federal Council on the Federal Assembly is, if less spectacular, actually more rather than less decisive than that which the British Cabinet exercises on the House of Commons'.<sup>1</sup> Nor is that influence challenged by Swiss public opinion. Government, it is felt, is a business in which the professionals should count most, and so habitual has this attitude of mind become that for many years past the members of the Council have been regularly re-elected time after time, and have thus been able to make of their ministerial office a lifelong career.<sup>2</sup>

There are signs, it is true, that the Swiss system is about to undergo a change. The strength of the Radical Party, which has hitherto been dominant in legislature and executive alike, is not what it was. 'Politics tend more and more to interfere with policy.' The rise of the Socialist Party seems to threaten even the principle of coalition. But the fact that the Swiss constitution may not always work in the future as it has worked in the past does not rob it of its value to the Indian student. The Indian

<sup>1</sup> Rappard, *op. cit.*, 82.

<sup>2</sup> There were only 56 Federal Councillors between 1848 and 1936.

constitution-makers will not be building for eternity. It has, indeed, already been suggested that a system which started on a basis of intercommunal coalition might ultimately develop into a system of non-communal division between Right and Left.

It is not contended that the Swiss method is the only or necessarily the best method of dealing with the composition of a Provincial Government and its relations with the legislature.<sup>1</sup> The main purpose of this chapter is to underline the lesson of the experience of the last few years, namely, that Provincial Governments in India ought, like the Swiss Government, to be stable and strong, and that they should be so composed and so related with the legislatures as to reinforce the prestige of the Government and the Law in the public mind and to promote as far as possible the appeasement of communal antagonism.

<sup>1</sup> It is only in this respect that the Swiss constitution seems to deserve consideration by Indian students. Other features of it are clearly inapplicable to India. The Federal judiciary, for example, has not as high a status in Switzerland as in the United States (Rappard, *op. cit.*, 90-1), and, as argued in Chapter VI, the Indian Supreme Court ought to have at least the same power and prestige as the American.

## CHAPTER VIII

### THE PROSPECTS OF PARTITION

#### 1

FROM the attempt made in the preceding chapters to probe the possibilities of constitutional reconstruction in the Provinces it appears that a system of Provincial self-government might be established in which the minorities could reasonably be expected to acquiesce. It would not only guarantee their cultural rights: it would give them a share of power, a place in the executive as well as in the legislature. Under any democratic form of government, however, while majority rule can be tempered, it cannot be abolished; and in each Province the major share of power would still belong to the majority. Thus no adjustment of the Provincial constitutions would go far to dissipate the Moslems' apprehensions of a Hindu Raj if all the Provinces had Hindu majorities. Fortunately for the chances of a settlement that is not the case. The percentage of Moslems in Bengal is 54.7, in the Punjab 57.1, in Sind 70.7, in the North-West Frontier Province 91.8. Hence what used to be called the 'balance theory'. The four Moslem-majority Provinces were regarded as in some sort balancing the seven Hindu-majority Provinces. In a forthright speech at the Round Table Conference Mr. Muhammad Ali pointed out that India was about to have what she had never had before, neither under the old Hindu dynasties, nor under the Moguls, nor under Ranjit Singh in the Punjab, nor under the British Raj—'majority rule'. That would be intolerable—I could see no ray of hope,' he said—if the Moslems were everywhere in a minority: but 'luckily there are Mussalman majorities in certain Provinces. . . . That gives us our safeguard'.<sup>1</sup>

With his usual candour Mr. Muhammad Ali interpreted the safeguard as a matter of 'hostages'. Persecution of Moslems in a Hindu-majority Province could be countered by persecution of Hindus in a Moslem-majority Province. A crude idea, no doubt; a negation of civilised government. Yet it is only common sense to recognise the practical value of the possibility of retaliation as a deterrent. It promises to repay barbarism in its own coin: it does not provoke it. Poison-gas is less likely to be used in war if both sides know that, if one uses it, the other will use it too. But the value of the 'balance theory' is more positive than that. The existence of the Moslem-majority Provinces does not merely provide a safeguard in the last resort for the 24 million Moslems who live outside them. It satisfies the self-respect of the 55 million Moslems who live inside them. They may be a minority in India as a whole, but at any rate in those Provinces, great countries with a total area of some 285 thousand square miles, the major share of power is in Moslem hands.

<sup>1</sup> *Indian Round Table Conference* (Nov. 12, 1930 — Jan. 19, 1931) (Cmd. 3778), 104.

The Provinces, however, are only half the picture. If India is to retain any political unity at all, there must be a Central Government with authority, however limited, in matters which affect the Provinces in common. And at the Centre the weakness of the 'balance theory' becomes at once apparent. It is an uneven balance—seven to four—so uneven that the Moslem moderates would certainly have shown more hesitation than they did in acquiescing in the federal scheme of 1935 if they had not counted on four vital provisions or implications in it. (1) Provincial autonomy was to be a reality: the Centre would be deprived of all its old general powers of 'superintendence, direction and control' in Provincial affairs: it would only be able to act in a narrowly defined field. (2) The Central Government was to be a coalition: the Governor-General was to be instructed to do his best to form a Government 'including as far as practicable representatives of the Federated States and members of important minority communities'.<sup>1</sup> (3) Though most of the States' Rulers are Hindus and though the Hindus number about 69 per cent. of their aggregate population and the Moslems only about 18 per cent., it was thought that the representatives of the States, appointed by their Rulers, would tend to be less communal-minded than the members of the British-India parties, chosen by separate popular electorates, and would constitute a neutralising element in the Central Government. In the Central legislature, similarly, the States' representatives would act, it was expected, as a counterweight to the balance of the British-India parties. The Congress might obtain a majority of the British-India seats and yet be in a minority in the legislature as a whole. (4) At the Centre, finally, the Governor-General was to be charged with a similar 'special responsibility' to that of the Provincial Governors 'for the safeguarding of the legitimate interests of minorities'.

On these considerations the measure of agreement embodied in the Act of 1935 was founded. The moderate Moslem leaders, whatever their misgivings may have been, did in fact acquiesce in the federal scheme; and, if the more radical Mr. Jinnah rejected it, it was not for communal reasons.<sup>2</sup> Nor was it Mr. Jinnah's opposition that wrecked the settlement: it was wrecked by the policy adopted by the Congress leaders from 1937 to 1939. For, as explained in Chapter II, they destroyed or threatened to destroy all the assumptions on which Moslem acquiescence had been grounded. They infringed Provincial autonomy. They rejected coalition Governments. They showed that, even if the 'safeguards' could be made effective—and the Moslems doubted that—it would not affect the Moslems' major grievance, their exclusion from all power. They attempted, lastly, to force responsible government on the Indian States and so opened up a prospect of obtaining a solid Congress majority in the Central legislature. That meant that there was to be no escape for the Moslems from the rigours of a Congress Raj. The Central Government as well as those of the Hindu-majority Provinces

<sup>1</sup> *Instruments of Instructions to the Governor-General and Governors, 1935.* Cmd. 4805.

<sup>2</sup> See Part II, 9-10, 197, and p. 21 above.

would be a Congress Government. And it was this extension of the logic of 'majority rule' to the Centre that finally drove Mr. Jinnah and the League to its logical alternative, Partition. Rather than such a Centre, they said, there must be no Centre. And they went further. Whatever the Hindus did, they finally declared, there *could* be no Centre: for the Moslems were not a minority in an Indian nation but a separate nation, entitled to the same national status as the Hindus, and a nation so separate that it could not live in the same State with the Hindus, but must have its own State or States in those Moslem-majority areas which constituted its national homelands.

## 2

No one who is familiar with present conditions in India can honestly question the strength of the hold which the idea of Partition has obtained on the minds of Indian Moslems. It is the cardinal fact of Indian politics to-day; and no discussion of the Indian problem can be fruitful which does not recognise it and seek to comprehend the reasons for it. They are not subtle or mysterious reasons: they emerge plainly enough from the record of things said and done contained in the preceding parts of this Report: but it may be convenient at this point to recall and marshal them in coherent form.

(1) In the first place the prospect of Partition goes far to resolve that complex of pride and fear which—as argued in Chapter II—has been the chief cause of the recent deepening of the Hindu-Moslem schism. For more than half the Indian Moslems it eliminates the fear of a Hindu Raj and all it might mean for them immediately and ultimately, by cutting them clean out of its ambit. And Partition ministers to their pride by converting them from a minority in one great State into a majority in two smaller ones and by recognising that they are not merely a community in a composite Indian nation but a nation by themselves, entitled to its national independence in its national homelands. Moreover, it broadens their footing in the world. In an undivided India they belong to a country in which Hinduism predominates, and the realm of Hinduism is confined to the land of its birth. Only in some scattered settlements of emigrant traders and labourers are the Hindus linked with other countries. The Moslems on the other hand are members of a world-society, and; once separated from Hindu India, they would be free, it is argued, to cultivate and strengthen their natural association with their fellow-Moslems beyond the Indian frontier. Their States would stand side by side with the Moslem States of the Middle East. They would be more fully conscious than they can be to-day that they belong to a great brotherhood whose homelands stretch far beyond the bounds of India. If, on the other hand, they turn their backs on the outer world, if they acquiesce in a permanent subjection to the Hindu majority in an isolated India, they doom themselves to something like the fate of the minorities in



Europe. It is significant that in 1938, some eighteen months before the League formally adopted the policy of Pakistan, Mr. Jinnah was already drawing an analogy between the Indian Moslems and the Sudeten Germans.<sup>1</sup>

(2) Secondly, Partition, it is claimed, will solve the minority problem throughout India as nothing else can. It adopts the 'balance theory' in a form in which alone it can be valid. Moslem States are balanced against one or more Hindu States to which, whatever their size, they are equal in national status. There will still be minorities in them all. It would be better, no doubt, if they could be communally homogeneous. A wholesale exchange of population between the Moslem and Hindu States would be highly desirable if it were practicable, but, as will be explained later on, it is not. Some transfer, no doubt, would be possible. It is proposed, as will be seen, to separate certain predominantly Hindu districts from the Punjab and Bengal; and Hindus and Moslems living near but on the wrong side of any of the frontiers might be encouraged and assisted or even in the last resort compelled to migrate. But, though communal homogeneity is an impracticable ideal, though there will be millions of Moslems in the Hindu States, not to mention other minorities, they will no longer constitute a serious problem, for the simple reason that the intercommunal struggle for power, precipitated by the near approach of India's final liberation from neutral British control, will cease to exist in the Partition States. Coalition Governments and other statutory safeguards for minorities are part of the League's programme for the Moslem States; but it will be recognised that they are essentially Moslem States in which Moslem policy and culture will predominate, just as the Hindu States will be essentially Hindu. Nor will their respective minorities be encouraged any longer to keep up their quarrel with the majorities by such attempts as have been made in the Provinces in the course of the last six years to organise and direct them on an all-India footing in order to ensure a communal ascendancy at an all-India Centre. There will be no such Centre. That issue will be dead. 'In my opinion', said Mr. Jinnah, explaining the League's adherence to Partition in 1940, 'after the present tension created by the ambition of one community dominating over the other . . . is eased, we shall find better understanding and goodwill created all round.' 'The division of India', he went on, 'will throw a great responsibility upon the majority in its respective zones to create a real sense of security amongst the minorities.'<sup>2</sup> And the majorities, it is argued, are more likely to discharge this responsibility—and the minorities similarly to become reconciled to their position—because it will be understood on both sides that in the last resort the 'hostage'

<sup>1</sup> 'It was because the Sudeten Germans were forced under the heel of the majority of Czechoslovakia who oppressed them, suppressed them, maltreated them and showed a brutal and callous disregard for their rights and interests for two decades, that the Republic of Czechoslovakia is now broken up and a new map will have to be drawn. Just as the Sudeten Germans were not defenceless and survived the oppression and persecution for two decades, so also the Mussalmans are not defenceless and cannot give up their national entity and aspirations in this great continent.' *Indian Annual Register*, 1938, ii, 354.

<sup>2</sup> *India's Problem of her Future Constitution*, 80.

principle can be brought into play more effectively between independent States than between federated Provinces.<sup>1</sup>

(3) Thirdly, it is claimed that Partition will ease the problem of defence for all India. Since the Japanese assault from the South and East, the north-west frontier can no longer be regarded as the only dangerous frontier, but under modern conditions it is harder to defend against a full-scale invasion than the borders of Assam and Bengal, and it is argued that attack from the North-West would be far less likely if the State which held the passes were not India but Pakistan.

The north-west frontier [writes a Moslem publicist] will lose all importance once a Muslim State is established in the North-West. The tribesmen and the people beyond the frontier are all Muslims. They will lose all religious and political fervour for *jihad* against non-Muslims once they find that they have to reckon with their brothers in Islam. If the frontier between Afghanistan and Persia or that between Persia and Turkey can be easily defended by comparatively small armies, there is no reason why the same should not be possible in the case of the frontier between Afghanistan and the Muslim North-West [State].<sup>2</sup>

The position could be stabilised, moreover, by non-aggression treaties or full-scale alliances between Pakistan and her Moslem neighbours. Why should she not make a fifth subscriber to the Pact of Saadabad which bound together Turkey, Iraq, Persia and Afghanistan for mutual security in 1937? Is not that the natural focus of the international relations of Moslem India? Since it is only her unnatural marriage with Hindu India that has hitherto compelled her to turn her back on it, should she not seek a divorce?

(4) Fourthly, in an undivided India, when military organisation is in Indian and mainly Hindu hands, the proportion of Moslems in the Indian army is bound to be reduced. There would be nothing to prevent the realisation of the principle, so vigorously upheld by the Mahasabha, that the composition of the army should reflect the communal composition of the people. In that event the proportion of Moslem soldiers, which in 1939 was more than one-third and is now 30.8 per cent., would fall to less than one-quarter. This would not only affect the standard of living in the Punjab, which, as has often been pointed out, owes so much to the pay and pensions of Punjabi troops. It would give a Hindu Raj the ultimate guarantee of military power. It would strengthen the consciousness of inferiority in Moslem minds. It would make them less able to resist the moral pressure of Hinduism.

(5) Fifthly, by Partition and only by Partition, it is said, can Indian Moslems acquire the power of economic self-determination. Hindu-Moslem antagonism has always had its economic side, and one of the chief reasons why the Moslems dread the prospect of a Hindu Raj is the power it would give the Hindus to confirm and strengthen their economic domination in

<sup>1</sup> *Confederacy of India* (Lahore, 1939), 205. *India's Problem of her Future Constitution*, 41.

<sup>2</sup> *Ibid.*, 40.

all parts of India. Moslems deny that Hindus are necessarily or innately better business-men. They are not afraid of competing with them, given equal terms and an equal start. But they lost their footing when in the course of the last century they rejected for a time the gilded opportunities of Western education, and they have not yet recovered it.<sup>1</sup> Thus the coming of the industrial revolution in India caught them at a disadvantage. The virtual monopoly possessed by the Hindu shopkeeper and moneylender in retail trade and marketing even in an overwhelmingly Moslem countryside, the Hindu preponderance in the growth of urban life, in the new professional and commercial middle class, even in the Punjab or in Sind—all that was bad enough; but the rise of industrialism made matters worse. Moslems, of course, do not deny the value of industrial development, but they argue that the vast majority of the population of India must always get its living from the soil, and that it is easy to exaggerate the extent to which the relentless pressure of that population's growth on the productive capacity of that soil can be tempered by industrial development. The balance of Indian economy, therefore, they maintain, should favour agrarian interests. Already before the war the peasant had to pay the price for the tariff needed to protect the growth of large-scale industry, and the maintenance of the industrial expansion prompted by the war will require similar protection in the future. When British control at the Centre is withdrawn, is not the balance likely to be still further weighted on the industrial side? That ought not to be, of course, a communal issue. The vast majority of the Hindus as well as of the Moslems are agriculturalists, and in their common interest, as in that of the growing ranks of labour, lies the best hope that the lines of communal division in Indian politics may be some day cut across. But those common interests are not yet consolidated and organised, and in the meantime agriculture *versus* industry must be largely a communal issue, because Indian industry is at present mainly Hindu. The North-West Moslem 'homeland' is overwhelmingly agrarian. Its population amounts to about 12.3 per cent. of the population of British India, but, so far as can be estimated, the proportion of its industries is only 5.1 per cent. of those of British India and that of its mineral development only 5.4 per cent.<sup>2</sup> Bengal as a whole is much more highly industrialised. It has 20 per cent. of the population of British India and, to reckon by the number of workers employed in factories, 38 per cent. of its industry. But the industrial area is mainly that of predominantly Hindu Calcutta and its neighbourhood; apart from Calcutta the North-East Moslem 'homeland' is even more dominantly agricultural than the North-West. Indian industry, in fact, is located mainly in Hindu areas; it is

<sup>1</sup> See Part I, 82.

<sup>2</sup> The incidence of income tax and super-tax is an indication of non-agricultural economic activity since agricultural incomes are not subject to them. The amount raised by those taxes in 1939-40 in the Moslem North-West area constituted 6.8 per cent. of the total for British India. The amount of corporation tax, which is evidence of urban development, was less than 3 per cent.

financed and owned mainly by Hindu capitalists; it provides a livelihood mainly for Hindu labour. Thus, though the protected growth of Indian industry compels the Hindu peasant as much as the Moslem to pay more for his spade and his clothes and his household goods, the general balance is heavily against the Moslems. In an undivided India it might be redressed to some extent by a Centre which deliberately planned a more even distribution of industrial development. But is there any hope of that, the Moslems ask, under a Hindu Raj? Will not their interests be increasingly and permanently subjected to Hindu capitalism? And is there any way of escaping from that stranglehold except the way of Partition? Pakistan at least could control its own economy. In the North-West, at any rate, it could establish and protect its own industries. Instead of sending its raw cotton to the mills of Bombay, it could build more mills of its own and protect their products with a tariff. And later on, if capital were available, it could apply its great reserves of water-power to further industrial development. Karachi, too, might be developed till it eclipsed Bombay as the port of entry for all north-west India. Impartial economists may deplore such a prospect. They may argue that the economic results of the political disruption of India are bound to be as bad for all concerned as the results of the disruption of the Hapsburg Empire proved to be in the interval between the wars. But what is the alternative?, Moslems will reply. It would not be a balanced system of economic co-operation and reciprocity settled on equal terms. It would be more like Hitler's 'new order', which seeks to concentrate the control and the profits of all industry in Central and Western Europe in German hands.

Such, in outline, is the case for Pakistan; such are the advantages it holds out for the sixty million Moslems of British India whom it enables to escape from a Hindu Raj. But what of the twenty million who must perforce be left within its grasp? It was natural, no doubt, that the Moslem reaction to Congress policy should have begun among the Moslem minorities under Congress rule, but it seems less natural that the separatist policy to which that reaction so swiftly led should have been more warmly welcomed among those same minorities than elsewhere. For plainly Partition could not save *them* from a Hindu Raj. Wholesale migration being out of the question, they would be doomed to remain after Partition a permanent minority, and now an isolated minority, cut off by international frontiers from the greater part of their fellow-Moslems. The explanation of this puzzle is not far to seek. It is where they are in a minority that Moslems feel most acutely the ultimate danger of absorption in Hinduism if all India is subjected to a Hindu Raj. Partition can directly avert that fate only from the Moslems inside the Moslem States, but indirectly it can protect the Moslems outside also. Apart, the latter argue, from the possibilities inherent in the 'hostage' principle, the existence of a strong and independent State not far away, wherein Islam is securely and permanently enthroned,

would give them the requisite moral support to enable them to hold their own against the rising tide of Hinduism. Since Islam transcends frontiers, Pakistan would, so to speak, belong to them as much as to its own inhabitants. 'While for us', says Mr. Rahmat Ali, founder of the Pakistan National Movement, 'it is a national citadel, for them it will ever be a moral anchor. So long as the anchor holds, everything is or can be made safe. But once it gives way, all will be lost.'<sup>1</sup>

Finally, a case has been made for Partition from the standpoint of Hindu interests. The excision of the Moslem-majority areas, it has been argued, would leave the rest of India more homogeneous. The Hindus might benefit from the loss of them as the Turks have benefited from the loss of their one-time Arab Provinces. The minority problem would no longer obstruct the application of Congress ideology. The 'logic of democracy' could come into its own. Numbers could be given their due weight. A strong unitary Centre would at last become a practical proposition. Furthermore, Hindu India would be safer. Partition or no, the Moslem block in the North-West is a standing threat to Hindu India. There can be no doubt, says Dr. Ambedkar in his interesting *Thoughts on Pakistan*, that those Moslems are hostile to the Hindus. 'Which then is better for the Hindus? Should these Mussalmans be *without and against* or should they be *within and against*?'<sup>2</sup> If within, their disproportionate strength in the Indian army could not be easily or quickly adjusted. They are already afraid of such a change and will bitterly oppose it; and it would take time to build up new regiments in those Hindu areas in which the habit of professional soldiering has long died out. The frontier between Pakistan and Hindustan, it is true, would not be easy to defend; but is it better for the Hindus, asks Dr. Ambedkar, to have a safe frontier or a safe army?

## 3

What are to be the boundaries of the projected Moslem States?

The Partition resolution carried at the Session of the Moslem League at Lahore in March 1940 laid down the following 'basic principle':

That geographically contiguous units are demarcated into regions which should be so constituted with such territorial readjustments as may be necessary that the areas in which the Moslems are numerically in a majority, as in the north-western and eastern zones of India, should be grouped to constitute 'independent States'.<sup>3</sup>

Up to the present the League has thrown no further official light on the question of delimitation. Mr. Jinnah has never publicly defined the boundaries of those north-western and eastern zones. In a closing speech at the League Session at Delhi in April 1948 he is reported to have said that there was no League map of Pakistan nor 'any scheme of it' to which the Muslim League was committed directly or indirectly in any way what-

<sup>1</sup> B. R. Ambedkar, *Thoughts on Pakistan* (Bombay, 1941), 111.

<sup>2</sup> *Ibid.*, 98.

<sup>3</sup> Part II, 206.

soever except the Lahore resolution'.<sup>1</sup> But it is generally understood that Mr. Jinnah and his colleagues of the League 'high command' have a fairly definite map in their minds. They contemplate, it is believed, two Moslem National States, which for convenience will be entitled in these pages 'Pakistan' and 'North-East India'. Pakistan is to comprise the North-West Frontier Province, the Punjab, Sind and British Baluchistan. 'Territorial readjustments' are suggested to exclude the Ambala Division from the Punjab. This Division contains 3,099,000 Hindus, 240,000 Sikhs and 1,818,000 Moslems: its exclusion would raise the Moslem majority in the Punjab, which is at present 57.1 per cent., to 62.7 per cent. The destiny of Kashmir, which has a Hindu ruler but a 76.4 per cent. Moslem majority, of its population, and the position of other princely States which lie within or alongside the boundaries of the Punjab are left, it is supposed, for future discussion.<sup>2</sup> North-East India is to comprise most of Bengal and Assam, the 'territorial readjustment' in this case being the exclusion of the Hindu-majority districts which constitute the Burdwan Division in Western Bengal. This Division contains 8,125,185 Hindus and 1,429,500 Moslems. By their exclusion the present Moslem majority of 54.7 per cent. in Bengal would be raised to 65 per cent.

The area and population of the two States (as formed out of British India only) are shown in the following tables.

AREA (in square miles)					
Pakistan .....	about 169,000			(Iraq : 177,148)	
North-East India .....	131,000				
Total ...	300,000			(Burma : 262,732)	
POPULATION (in millions)					
	Moslems	Hindus	Sikhs	Others	Total
Pakistan	22.7	9.0	3.9	1.0	36.6
North-East India	35.0	21.1	0.02	2.2	58.32
Total ...	57.7	30.1	3.92	3.2	94.92

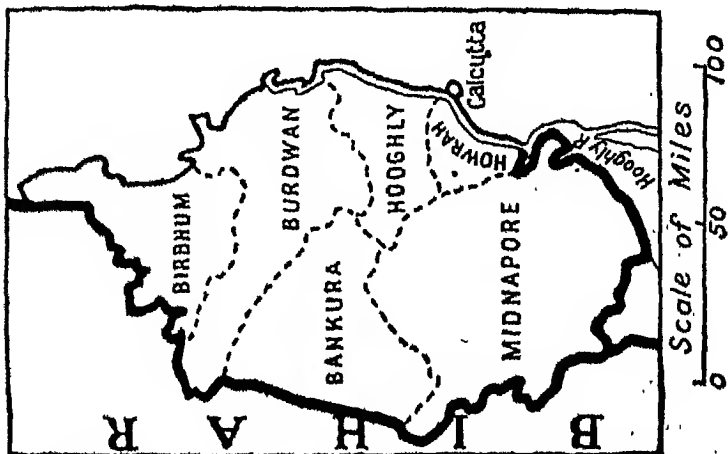
It has been generally assumed that the option for or against Partition would lie with the Provinces. That was what the British Government proposed in its Draft Declaration of 1942. In the course of the negotiations at Delhi, Sir Stafford Cripps agreed that a bare majority of a Provincial

<sup>1</sup> *Bombay Chronicle*, April 28, 1949. 'There were attempts by individuals', Mr. Jinnah added, 'to which the League is not committed.' For some of these see Part II, 100-204.

<sup>2</sup> In a statement to the Press on April 1, 1940, Mr. Jinnah said: 'The only important States which matter are not in the eastern but in the north-western zone. They are Kashmir, Bahawalpur, Patiala, etc. If these States willingly agree to come into the federation of the Muslim Homeland, we shall be glad to come to a reasonable and honourable settlement with them. We have, however, no desire to force them or coerce them in any way.' *India's Problem of her Future Constitution* (Bombay, 1940), 80. Mr. Jinnah might also have mentioned Baluchistan, the greater part of which is not 'British' but under the rule of the Khan of Kalat.

*These maps show the Districts of which the Divisions are composed, States' territory shaded.*

THE BURDWAN DIVISION OF BENGAL



THE AMBALA DIVISION OF THE PUNJAB



legislature was not sufficient to decide so great an issue, and that, if the majority in favour of adhering to a new all-India constitution were less than 60 per cent., the minority should be entitled to demand a plebiscite of the adult male population.<sup>1</sup> But the Moslem separatists want more than this: they claim that the question of Moslem 'homelands' is for Moslems alone to decide; and Mr. Jinnah has proposed that the decision should not be made by the Provincial legislatures at all but by plebiscites, and not by plebiscites of the whole populations of the Provinces concerned but only of their Moslem majorities.<sup>2</sup>

So far the prospective procedure seems simple enough, but it becomes at once more complicated when the 'territorial readjustments' are considered. The proposed exclusion, to begin with, of those Hindu-majority districts from Moslem States would seem to deny them the right of self-determination enjoyed by their neighbours. Can it be taken for granted, for example, that the people of the Ambala Division would prefer to belong to the United Provinces or to some newly demarcated Province in the Hindu State rather than remain within the Punjab and Pakistan? Dr. Ambedkar suggested in May 1943 that this difficulty would be met if Parliament were to pass an Act providing for two plebiscites in the areas for which Partition was proposed, one among the Moslems and the other among the non-Moslems, the results to determine as far as practicable the subsequent demarcation of the frontiers by a boundary commission.<sup>3</sup>

Apart from the question of self-determination, the 'territorial readjustments' raise serious issues in both States. As to Pakistan, the following comments may be made.

The exclusion of the Ambala Division from the Punjab would accord with the principles of Economic Regionalism discussed in Chapter X, since the Division depends for its vital irrigation not on the waters of the Five Rivers of the Punjab, but, like the adjacent part of the United Provinces, on those of the Jumna system. But its exclusion from the Punjab would not only mean the loss of a substantial body of Provincial producers and taxpayers: it would also upset the intercommunal balance that has hitherto prevailed. That is, indeed, presumably its object, but it is at least arguable that to increase the Moslem majority may not be the best way of dealing with the communal problem, nowhere more difficult and dangerous than in the Punjab. Until quite recently, at any rate, its Moslem leaders have maintained that the fact that the balance is not too uneven has made for communal harmony rather than against it. The majority report of the Punjab Provincial Committee, which was appointed in 1928 to co-operate with the Simon Commission, affirmed that 'any large disparity between the communities in the present circumstances is undesirable in the interests

<sup>1</sup> *The Cripps Mission*, 86.

<sup>2</sup> *Times of India*, April 25, 1943. Under this plan a decision for Partition could be made by 51 per cent. of 57 per cent. (i.e., 29 per cent.) of the population of the Punjab, and by 51 per cent. of 54 per cent. (i.e. 27 per cent.) of the population of Bengal.

<sup>3</sup> *The Times*, May 13, 1943.



of the Province and good government'. 'As the communities are at present balanced', it went on, 'there is not even a remote chance for any one community to form a Cabinet on communal lines.'<sup>1</sup> Seven years later the chairman of the Committee, who with his Moslem colleague and two others had signed the majority report, became Premier of a fully self-governing Punjab and remained Premier till his death at the end of 1942. Sir Sikander Hyat Khan's Ministry, as he had foreseen, was necessarily an intercommunal coalition, and, if the Hindu share in it was not as substantial as it might have been, that was mainly due to the Congress 'high command's' refusal to allow Congressmen to take office in non-Congress Provinces. As it was, Sir Sikander steered the Punjab straight and firmly through a period of exceptional strain, enhanced by the outbreak of the war and the rising tide of communal antagonism. The one outstanding and unbroken success, indeed, in the working of the new constitution has been the Punjab's:<sup>2</sup> and it cannot be questioned that this was largely due to the ardour and sincerity with which the Premier in and out of season preached the doctrine of intercommunal co-operation in the service of the Province.<sup>3</sup> Nor did he conceal his anxiety lest the adoption of the Pakistan policy might mean the replacement of that doctrine by a doctrine of communal ascendancy and domination.<sup>4</sup> Partition, whatever its frontier lines, will not abolish the communal problem. With Ambala gone there would still be 8.8 million non-Moslems in the Punjab. It is natural enough that the Moslems should welcome the idea of increasing their majority in the Province, but would they find it easier to deal with the minorities if their traditional policy were abandoned and the existing balance of communities upset?<sup>5</sup>

It is not only a question of the balance between the Moslems and Hindus. The exclusion of the Ambala Division also affects the position of the Sikhs. Of the six million Sikhs in all India, 8.8 million are domiciled in the Punjab and 1.4 million in the Punjab States. This is only about 15 per cent. of the aggregate population of the Province and the States, and there is not a single district of the Province in which the Sikhs are in a clear majority; but the traditional qualities of the typical Sikh—the sturdy free-minded peasant-proprietor of the Central Punjab, where he owns most of the best land—his energy and toughness and courage and the great contribution he has long made and is still making to-day to the strength and renown of the Indian Army give to his community an importance in the Punjab out of all proportion to its numbers. Though it is still prone to the sectional rivalries which broke up Ranjit Singh's kingdom immediately after his death, it is the most compact and closely organised of all the

<sup>1</sup> *Indian Statutory Commission*, vol. iii, *Reports of the Committees*, etc., 410-11.

<sup>2</sup> See Part II, chaps. v and ix.

<sup>3</sup> *Ibid.*, 47-8.

<sup>4</sup> *Ibid.*, 252.

<sup>5</sup> In a memorandum by Sir Geoffrey Corbett, circulated at Mr. Gandhi's request at the second session of the Round Table Conference in 1931 (*Proceedings*, Cmd. 3997, pp. 107-9), it was argued that the exclusion of most of the Ambala Division would give the Moslems such a clear majority that they would be able to dispense both with separate electorates and with reserved seats. The memorandum was opposed by Raja Narendra Nath, representing the Hindus of the Punjab (*ibid.*, 111).

Punjab communities and the most capable of showing a united front if it feels its communal interests to be in danger.

The importance of the Sikhs in the politics of the Punjab has been clearly shown under the *régime* of responsible government initiated in 1937. Owing their existence as a community, on the one hand, to Hindu reaction against the Moslem tyranny of Aurungzeb, but sharing, on the other hand, as peasants and soldiers a common interest with a large class of Punjab Moslems, they have held the balance in Provincial politics, and the position of Sir Sikander Hyat Khan's Government was never comfortable as long as he failed to secure the co-operation of more than a section of them. But the situation was greatly eased by the pact which Sir Sikander concluded with Sardar Baldev Singh in the summer of 1942,<sup>1</sup> especially as it obtained at least the tacit acquiescence of the most formidable and fiercely 'nationalist' section, the Akalis. There seems to be no reason why the Sikh problem should not be successfully handled on similar lines in the future. Additional security to the Sikhs could be given by a statutory provision for their representation in the Punjab Government as suggested in Chapter VII and also, if it seemed desirable, by cultural autonomy legislation of the kind described in Chapter VI. But such prospects of future harmony have been overshadowed by the doubts and fears excited by the Partition issue. From the Sikh point of view it is one thing to belong to a Province of United India and quite another thing to belong to a Province of Pakistan, a Province, moreover, in which, if the Ambala Division were excluded, the make-weight against Moslem domination would have been substantially reduced.

Mr. Jinnah, of course, has been well aware from the outset of his campaign that of the many problems raised by Partition the Sikh problem is one of the most thorny; and a few days after the passing of the Lahore resolution he made a public statement on it, expressing his respect for the Sikh community and his conviction that it had nothing to fear from Pakistan.

I am sure they would be much better off in the North-West Muslim Zone than they can ever possibly be in a United India or under one Central Government; for under one Central Government their voice would be negligible. The Punjab in any case would be an autonomous sovereign<sup>2</sup> unit. And, after all, they have to live in the Punjab. It is obvious that, whereas in a United India they would be mere nobodies, in the Muslim homeland . . . the Sikhs would always occupy an honoured place and would play an effective and influential role.<sup>3</sup>

But the Sikhs are more concerned with their position in North-West India than in India as a whole, and it is the prospect of a Moslem, not of a Hindu, Raj that alarms them. Their reaction to Pakistan as conceived by the Mos-

<sup>1</sup> Part II, 44

<sup>2</sup> For the use of the word 'sovereign', see p. 38 above.

<sup>3</sup> Statement to the Press, April 1, 1940: reprinted in *India's Problem of her Future Constitution*, 80. Moslem writers point out that (1) the Sikhs number 1.8 per cent. of the population of all India and would number about 9 per cent. in Pakistan, and (2) the exclusion of Ambala would raise their percentage in the Punjab from 12.9 to 15. *Confederacy of India*, 186. *Pakistan, a Nation*, 88.

lem League is the exact counterpart of the Moslems' reaction to a union of India as conceived by the Congress. Just as the Moslems, remembering the Mogul Empire, refuse to be subjected to a permanent Hindu majority at an all-India Centre, so the Sikhs, remembering that only a century ago they ruled the Punjab, refuse to become a permanent minority in Pakistan. Thus, when Sir Stafford Cripps submitted the British Government's proposals in 1942 to the various party leaders, the Sikh All-Parties Committee was the first to reject them, on the ground that the option of non-adherence to an all-India constitution was to be exercised by majorities in the Provinces. 'Our position in the Punjab', they declared, 'has been finally liquidated. . . . Why should not the population of any area be given the right to record its verdict and to form an autonomous unit? . . . We shall resist by all possible means separation of the Punjab from all-India Union.'<sup>1</sup>

It seems probable, in fact, that, rather than allow themselves to become a minority in an independent Moslem State, the Sikhs would insist on their own right of self-determination, and would demand that the area in which they are mainly settled, including the Sikh States, should be separated from the Punjab and become—since it could scarcely form an independent State by itself—a Province of the neighbouring Hindu State. Is that a practicable proposition? At first sight such a bisection of the Punjab seems natural enough. The two Western Divisions (Rawalpindi and Multan) are overwhelmingly Moslem. The two Eastern Divisions (Ambala and Jalandar) are substantially non-Moslem. The Central Division (Lahore) is mixed: its three western districts (Sialkot, Gujranwala and Sheikhupura) have a small Moslem majority; in the three eastern districts (Gurdaspur, Amritsar and Lahore) Moslems and non-Moslems are roughly equal. It would seem, therefore, to meet the needs of the case if the Province were divided into two roughly equal parts by a line drawn from north to south through the Central Division. But to determine exactly where that line should run is far from easy. The two principal cities of the Punjab—Lahore, the administrative capital, and Amritsar, the commercial capital and sacred city of the Sikhs—are both situated in the middle of the Province between the rivers Ravi and Beas and only thirty-five miles distant from each other. To fix the boundary at either of the rivers is plainly impossible: it would mean the inclusion of both cities in either the Moslem or the Hindu State. Between the two cities there is no natural dividing line of any kind. Any boundary set between them would be wholly artificial, geographically, ethnographically and economically. *Inter alia* it would cut in two the system of canals on which the productive capacity of the whole area largely depends. It would also leave the capital city of each Province exposed and defenceless, right up against the frontier. Such an artificial dividing line, despite its obvious disadvantages, might serve, if it were to be merely the boundary between two Provinces in a single federal State. Administrative difficulties, such as that of the canals, might in that case be overcome. But it is no mere

<sup>1</sup> *The Cripps Mission*, 40.

inter-Provincial boundary that is contemplated. It is to be a regular international frontier between two separate independent National States.

The exclusion of the Sikh areas from Pakistan thus looks so difficult as to be well-nigh impossible. Yet the Sikhs seem determined to fight, if needs must, rather than stay as a minority in a Punjab that would be a Province of Pakistan. The Moslem Partitionists for their part have continued to assume that no more than the Ambala Division would be cut away and that somehow or other the Sikhs might be persuaded to acquiesce; and Mr. Jinnah still maintains that an understanding can be reached provided that the problem is treated as a local problem for Moslems and Sikhs and not complicated by the intervention of all-India influences from outside.<sup>1</sup> On what lines he hopes to base such an understanding is not known; but there seems to be at any rate one possibility. The bisection of the Punjab, it has just been pointed out, would not be so intolerable if it divided Provinces, not States; and it may not be altogether inconceivable that the Sikhs, while refusing to remain in Pakistan as a minority in the Punjab, might be willing to remain in it if, in the first place, they had their own Sikh-majority Province and if, in the second place, they were conceded a strong position at the Pakistan Centre, in the executive as well as in the legislature. But that is mere speculation, and it seems at present as if the attitude of the Sikhs is a major obstacle to the realisation of Pakistan. That they could be coerced into it seems unthinkable. To attempt coercion would mean a civil war, and a war which, once it had broken out, could certainly not be confined to North-West India.

As regards North-East India the Partitionists assume (1) that Assam, which was linked with Eastern Bengal when the old Province was divided between 1905 and 1911, will similarly form part of the Moslem State, and (2) that Western Bengal (i.e., the Burdwan Division) will be excluded from it. The population figures in 1941 were as follows:

	<i>Total</i>	<i>Moslems</i>	<i>Moslem Percentage</i>
	(000)	(000)	
Bengal . . . . .	60,307	33,005	54.72
Eastern Bengal . . . . .	50,020	31,575	63.12
Western Bengal . . . . .	10,287	1,430	13.9
Assam . . . . .	10,205	3,442	33.72

It will be observed that only about one-third of the population of Assam is Moslem. Only in the district of Sylhet, where the Moslem percentage is 61, is there a Moslem majority. If Partition were voted on by Provinces and if it were carried by a majority in Bengal, the position of Assam would be very difficult. If its geographical situation were different, its Hindu majority would presumably choose to adhere to the Hindu State.<sup>2</sup> But,

<sup>1</sup> See, for instance, his speech at Jallandar as reported in the *Bombay Chronicle* of Nov. 16, 1942.

<sup>2</sup> If the 'Assam States' or tribal areas are included, there is not a Hindu majority in Assam. For these areas, see p. 164 below.

the geography being what it is, would such a division be practicable? Could Assam exist as a detached Province of the Hindu State, completely cut off from it by Moslem Bengal, with no access of its own to the sea, and with a frontier of which the danger has been revealed in the present war?

The exclusion of Western Bengal raises again the question of self-determination for a Provincial minority; for Bengal has long acquired a kind of nationality of its own, based on the Bengali language and an old and rich literary and artistic tradition, and centred both culturally and economically on Calcutta. The Hindu agitation against the partition of the Province in 1905 was so violent that, despite the assurances that had been given to the Moslems, the Province was re-united in 1911. Can it be assumed, then, that the eight million Hindus of Western Bengal<sup>1</sup> would choose, if they had the choice, to be severed from their motherland—*Bande Mataram* was a Bengali patriotic song before the Congress adopted it as an all-India 'national anthem'—and grouped in a separate Hindu State with the Hindi- or Bihari-speaking people of Bihar and the Oriya-speaking people of Orissa? Above all, is it to be supposed that they would willingly be cut off from Calcutta?

Just as the Sikhs are the crux of Pakistan, so Calcutta is the crux of North-East India. In both cases the Partitionists apparently take inclusion in the Moslem State for granted. Yet the population of Calcutta and its neighbourhood is predominantly Hindu. The city itself contains 1,531,512 Hindus, 79,844 other non-Moslems, and 497,535 Moslems. It lies in the Twenty-four Parganahs District, which, excluding the city, contains 2,809,996 Hindus, 78,210 other non-Moslems, and 1,148,180 Moslems. Thus, both in the city and in the district, the proportion is over two to one in favour of non-Moslems. And this balance is reflected in the city's cultural and commercial life. All Bengalis, whether Moslem or Hindu, may well be proud of the fact that Calcutta both in culture and in commerce is the queen of Indian cities, but in both, apart from the great contribution of British enterprise to the latter, the Hindu share predominates. Moslems have substantial business interests in the area, but the Hindu interests are unquestionably greater.<sup>2</sup> There is a Moslem College in the

<sup>1</sup> The districts which it is proposed to exclude from the Moslem State are the six districts of the Burdwan Division. Their population in 1941 was as follows:

	Non-Moslems	Moslems	Total
Midnapore . . .	2,944,088	246,559	3,190,647
Bankura . . .	1,234,076	55,564	1,289,640
Burdwan . . .	1,554,067	336,665	1,890,732
Hooghly . . .	1,170,652	207,077	1,377,729
Birbhum . . .	761,007	287,310	1,048,317
Howrah . . .	1,193,979	296,325	1,490,304

<sup>2</sup> No precise calculations are available, but a broad idea of the preponderance of Hindu business interests can be obtained from a study of the arrangements made for the representation of commerce and industry in the Bengal legislature under the Act of 1935. Lord Lothian's Franchise Committee recommended 15 seats for this class of representation, and

huge University of Calcutta, but the great majority of the 37,000 students in the university as a whole are Hindus.<sup>1</sup> Communal discord has long been provoked by the fact that a Hindu-majority city is the capital of a Moslem-majority Province. Would it not be greatly aggravated and exacerbated if it became the capital of a Moslem State cut away from Western Bengal and the rest of Hindu India? Would not such an arrangement beget at least as much bitterness and friction as any article of the Treaty of Versailles has begotten in Europe? The trouble at Danzig, Vilna and Lvov was caused in each case by the association of the majority of their local populations with a foreign State. Yet, deprived of Calcutta, North-East India would become a rather dubious proposition. For economic reasons, which will be discussed later in this chapter, it could not maintain itself as a separate independent State. It could only exist as a detached and backward Province of Pakistan, separated from it—since a corridor across the breadth of Hindu India is plainly impracticable—by more than 800 miles of land and air and more than 2,500 miles of sea.<sup>2</sup>

Frontier-delimitation raises another important question—the question of migration. If frontiers can be shifted, so, with more or less hardship, can people. The compulsory exchange of Greek and Turkish populations in 1923-4 under the auspices of the League of Nations has often been cited as an example of a method of dealing with a minority problem which, harsh as it is for the existing generation, offers a better prospect than any other method of peace and happiness in the future. Undoubtedly the transfer of several hundred thousand Greeks and Turks across the frontier has eliminated the main cause of friction between Greece and Turkey and made

these were to be allocated to bodies whose members were almost wholly Hindu or British. As the result of Moslem protests, the newly constituted Moslem Chamber of Commerce was given one seat out of the nineteen ultimately allotted to commerce and industry. Further evidence emerges from the results of the test applied for inclusion on the roll of a commercial and industrial constituency. The qualification required under the Act of 1935 for an individual, firm or Hindu joint-family was assessment for income tax on an income of not less than 10,000 rupees (£750) derived from commerce or industry, for a corporation paid-up capital amounting to not less than 1 lakh (£7,500). The results of the test were as follows:

	Membership	Number excluded
Bengal National Chamber of Commerce . . . . .	349	
Indian Chamber of Commerce . . . . .	245	99
Marwari Association . . . . .	201	67
Moslem Chamber of Commerce . . . . .	73	44

The first two of the above bodies are dominantly Hindu. The third, as its name shows, is wholly non-Moslem. See the *Report of the Delimitation Committee*, vol. 1 (1936: Cmd. 5099), par. 455, and the *Report on the Reforms Office in Bengal, 1932-7* (Calcutta, 1938).

<sup>1</sup> Figures for Calcutta University by itself are not available. The figures for Calcutta and Dacca Universities together, men and women, are 23,565 Hindus and 4,405 Moslems. The proportion of Moslems at Dacca is probably higher than at Calcutta.

<sup>2</sup> It has been suggested that in the event of Partition, Calcutta should be given a separate autonomous status akin to that of Delhi Province. This would doubtless ease the communal position—though Danzig is again a discouraging precedent—and such a compromise would be clearly better for North-East India than the inclusion of Calcutta in the Hindu State; but it would still inflict on North-East India an irreparable economic loss.

possible a friendlier relationship than they enjoyed before. A similar procedure, though on a far smaller scale, was recommended by the Palestine Royal Commission as a rider to its proposal of Partition.<sup>1</sup> And it is widely held that this kind of surgical operation may be the only real or lasting remedy for the disease which has so long wrecked the health of multi-national States in most of Europe. 'The segregation of races with strong natural antipathies', writes the late Director of the International Labour Office, whose duties brought him into close contact with the peoples concerned, 'is one of the conditions of peace in eastern and south-eastern Europe.'<sup>2</sup> 'Even the hardships and injustices of population transfer would be worth while', the President of Czechoslovakia is reported to have said, 'if they helped to establish a more permanent equilibrium.'<sup>3</sup>

Indian peasants cling to their land with all the traditional tenacity of peasants anywhere, and it would not be easy to apply this method of easing the minority problem to India. Members of a Moslem or Hindu Provincial minority living near the border of a Moslem-majority or Hindu-majority Province might conceivably be induced at a price to cross the line, whether India is partitioned or not. When he explained the Lahore resolution to the Press, Mr. Jinnah, while repudiating the suggestion that Moslem minorities would have to migrate *en bloc* into the Moslem States, declared that 'exchange of population, as far as practicable, will have to be considered'.<sup>4</sup> But it must not be supposed that the minority problem in India could be eased by this method to anything like the same extent as it might be eased in small European countries. If, indeed, all or nearly all the Indian Moslems could migrate into the Moslem States and all or nearly all the Hindus migrate out of them, that would be the strongest point in favour of Partition. As in the case of Greece and Turkey, the old antagonism might at last begin to wither away for lack of grievances and 'incidents' to feed on, and a new understanding become possible which might even lead to an ultimate reunion. But a separation so complete is quite impossible. Numbers and distance alike forbid it. Mass-transfer would involve not hundreds of thousands but millions or tens of millions, and in many cases it would mean an unbearable change of climate and of all the ways of life which climate has dictated. Nor would it bring about in India, as it would in the Balkans, the union of homogeneous folk. The transferred multitudes would find themselves among people of a different stock, speaking a language they could not understand. It would be like a wholesale migration of French Protestants to Norway. The fact, indeed, must be faced that, however the lines of Partition were drawn and whatever local shiftings of population might be practicable, the Hindu States would be bound to contain several million Moslems and the Moslem States several million Hindus.

<sup>1</sup> *Report* (Cmd. 5479), chap. xxii, pars. 40-48.

<sup>2</sup> Harold Butler, *The Lost Peace* (London, 1941), 210-11.

<sup>3</sup> *Sunday Times*, London, May 23, 1943.

<sup>4</sup> *India's Problem of her Future Constitution*, 29.

In stating the case for Partition it has so far been assumed that it would be financially practicable, that the Moslem States would be able to pay their separate way. That assumption must now be put to the test. It cannot be a complete and fully scientific test, for that would demand a long and detailed technical inquiry. Nor can financial conditions in the post-war period be forecast with anything like certainty. Nor again is it possible to consider here what arrangements might be made with the Indian States that would lie within or beside the borders of Pakistan and North-East India. But for the purpose of this Report it will suffice if a rough calculation can be made, covering all that part of the proposed Moslem States which now belongs to British India and based on the facts as they stood immediately before the war and on the broad probabilities of the situation after it is over.

It was explained in Chapter IV that the existing Provinces, with or without changes in their frontiers, would presumably be retained as administrative units under Partition, with the same or similar functions of government; and it will be assumed that Provincial finance would operate more or less as it has done in undivided India. All that seems necessary for present purposes is to consider what proportion of the revenue now obtained and the expenditure now borne at the Centre would be allotted under Partition to the Central Government of Pakistan. North-East India need not be treated in such detail.

The main heads of Central Revenue and Expenditure for 1938-9 and the share of such revenue and expenditure which would fall to Pakistan are shown in the tables on the next page. (The calculation on which the allotments are based are given in Appendix IV.<sup>1</sup>)

Defence expenditure in Pakistan has been omitted from the table and will be discussed presently. Without that substantial item it will be observed that Pakistan emerges from the calculation with a credit balance of about 2,97 lakhs<sup>2</sup> of rupees, or about £2.2 millions. Could that balance be increased by economies or by raising additional revenue or both? The first would not be easy. To economise on Direct Demands might do more harm than good. The cost of Debt Services, in which most of the expenditure on irrigation must be included, cannot be reduced. Savings on Civil Administration, primarily on salaries, might be effected, but probably not so easily in Pakistan as in some other parts of India, and a conservative reckoning would not put it at more than 10 per cent. A similar reduction of 10 per cent. might be possible on Civil Works (mainly roads). The chief Miscellaneous item is pensions, which are as irreducible as debt-charges. The contributions now made by the Centre to Sind (1.05 lakhs) and to the North-West Frontier Province (1.00 lakhs) might be cut by the Pakistan Government, but such action would immediately lower the level of the social

<sup>1</sup> P. 189 below.

<sup>2</sup> One lakh = 100,000 rupees = £7,500. One crore = 100 lakhs.



services in those backward Provinces and would be a highly unpopular move for a newly constituted Government to make. A cautious estimate of all practicable economies might be round about 87 lakhs (£277,500), reducing expenditure to 6,02 lakhs (£4.5 millions).

*Revenue (thousands of rupees)*

	<i>Centre 1938-9</i>	<i>Pakistan</i>
Customs . . . . .	40,50,53	4,48,06
Excise . . . . .	8,65,73	1,00,92
Corporation tax . . . . .	2,03,72	15,28
Other income taxes . . . . .	13,74,44	1,21,10
Salt . . . . .	8,12,04	76,65
Opium . . . . .	50,89	—
Railways <sup>1</sup> . . . . .	1,37,32	1,50,00*
Posts and Telegraphs . . . . .	18,98	2,37
Currency and Mint . . . . .	22,42	2,80
Other heads <sup>2</sup> . . . . .	1,03,20	18,87
	76,39,27 (= about £57 millions)	9,36,05 (= about £7 millions)

<sup>1</sup> Receipts less expenditure on 'commercial' railways only. 'Strategic' railways are a matter for the Defence budget.

<sup>2</sup> Allow for increased revenue obtained by certain extra charges (not war surcharge) imposed in 1942. The actual profit on 'commercial' lines in Pakistan in 1938-9 was 1,28,00.

<sup>3</sup> Extraordinary revenue and certain minor items which are reduced to nil when set off against expenditure are omitted.

*Expenditure<sup>1</sup> (thousands of rupees)*

	<i>Centre 1938-9</i>	<i>Pakistan</i>
Direct Demands on Revenue <sup>2</sup> . . . . .	4,23,60	51,49
Irrigation <sup>3</sup> . . . . .	9,24	7,02
Debt Services (less interest receipts) . . . . .	13,38,54	1,86,00
Civil Administration <sup>4</sup> . . . . .	9,84,69	1,45,56
Civil Works <sup>5</sup> . . . . .	2,19,58	10,83
Miscellaneous <sup>6</sup> . . . . .	2,04,32	33,13
Defence . . . . .	46,18,00	—
Contributions and adjustments <sup>7</sup> . . . . .	3,06,32	2,05,00
	81,04,19 (= about £60.7 millions)	6,39,03 (= about £4.7 millions)

<sup>1</sup> Expenditure on Railways, Posts and Telegraphs, Currency and Mint and some other items of ordinary revenue is not shown, since the figures in the preceding table are net, i.e., revenue less expenditure.

<sup>2</sup> Mainly the cost of collecting customs, excise and other taxes.

<sup>3</sup> Mainly interest charges on the cost of the Sukkur Barrage.

<sup>4</sup> Expenditure on the Central Government and legislature and the Crown Representative's department, on the High Commissioner and the India Office (for 'agency functions'), on all-India research departments, etc., on jails and convict settlements, etc., and for political purposes, mainly in the 'Tribal Areas' of the North-West Frontier Province and Baluchistan.

<sup>5</sup> Mostly roads.

<sup>6</sup> Mainly pensions, stationery and printing.

<sup>7</sup> Mainly grants-in-aid to the economically backward Provinces of Sind and the N.W.F. Province. See Part II, §29.

Raising more money by increased taxation would be no easier than saving it by economies. It may be assumed, perhaps, that at least some portion of the extra taxes imposed during the war would be retained, unpopular again though it would be. Suppose the taxes in force in 1938-9 were increased by 25 per cent. That would bring in 46 lakhs under income taxes (including corporation tax),<sup>1</sup> and 1,28 lakhs under customs, excise and salt duty (allowing for the yield on a 25 per cent. increase being only an additional 20 per cent. owing to the probability of diminishing returns). And there would be a new possibility of customs revenue. Apart from duties for the protection of such Pakistanian industries as might be established, revenue duties could be levied on goods entering from other parts of India. Only the roughest calculation is possible as to what the volume and value of such goods would be, but the yield of such 'inland customs' might be assessed perhaps, without undue optimism, at 1,50 lakhs.<sup>2</sup> By imposing increased freight charges at (say) 12½ per cent., profits on the commercial railways, allowing for higher post-war working expenses, might be increased by 1,13 lakhs. The profit on posts and telegraphs might perhaps be similarly increased by (say) 24 lakhs. These possibilities<sup>3</sup> of extra revenue add up to 4,56 lakhs. But it must be again remembered that all the suggested increases of taxation, direct and indirect, would be unwelcome to the taxpayers, and that the total figure must therefore be regarded as an outside figure. It would bring the revenue up to 13,92 lakhs (about £10.5 millions). The credit balance available to meet the cost of Defence would then be 7,90 lakhs (about £5.9 millions).

Defence is, of course, the crux of the financial problem; and in the realm of defence it is peculiarly difficult to speculate about the future. It is generally believed that, when the Axis Powers have been defeated and disarmed, the United Nations will succeed in establishing some system of collective security for maintaining peace and preventing aggression. How strong and coherent that system will be remains to be seen, but no one supposes that mankind will have reached a stage of civilisation in which peace can be regarded as unbreakable and the nations can safely turn their swords into ploughshares. Nor does the argument, mentioned on a previous page, that the north-west frontier of India will be more secure if a Moslem State occupies the south-east side of it seem incontestable. Moslem States have been known to fight each other, and a sense of Islamic solidarity is no more likely to induce the hungry Pathans to abandon their ancestral custom of

<sup>1</sup> Assuming the surcharge on income-tax to be for Federal purposes as under Section 138 (1), proviso, of the Government of India Act, 1935.

<sup>2</sup> When Burma negotiated a new commercial agreement with India in 1941, it was disclosed that she hoped to secure about ten million rupees from a tariff, generally at 10 per cent., on Indian goods. The population of Burma is now just under half that of the prospective Pakistan. The general standard of living is normally higher in Burma than in Pakistan, but Pakistan, though industrially backward as compared with India as a whole, is industrially advanced as compared with Burma.

<sup>3</sup> Only possibilities of the near future are here considered. Industrial development would ultimately raise the general taxable capacity of Pakistan, but owing to the initial capital cost this would take some time.

raiding the rich plains than to prevent the pursuit of the blood-feud among themselves. Nor is the frontier exposed to attack from Moslems only. It may be left to Axis propagandists to revive the old nineteenth-century 'Russian bogey', but it must be borne in mind that North-West India is barely separated from a great World Power. It will be assumed, therefore, for the purposes of the present discussion that, for some time after the war at any rate, the defence of India ought, if possible, to be maintained on something like the same scale as before the war. It will be suggested in Chapter XIII that the Government of a free India may wish Britain to continue for a period to assist in that task, and that a treaty might be concluded to that effect. But a united India would still be able to bear as great a share of the burden as is borne by Indian taxpayers now, and in course of time would be able to assume the whole of it. It would be otherwise on both counts with Pakistan; and British taxpayers can scarcely be asked to facilitate Partition by undertaking a heavier and more lasting charge than they would have to meet if India remained united. The problem, therefore, may be taken to be the problem of financing the defence of India from Indian resources to more or less the same extent as it was so financed in 1938-9.

The sum allotted to Defence in that year was 46.18 lakhs (about £34.6 millions). But the whole of that sum need not be debited to Pakistan. It is argued, in the first place, that the Indian Army would not have been so large or cost so much in the past if it had not been charged with the duty of maintaining internal security in the last resort. That is a controversial question, but, if it is assumed for present purposes that the argument is sound, allowance must be made for the fact that under the new *régime* the Indian Army will no longer be required to maintain security in the sense of repressing attempts to subvert British rule: and it will be suggested in Chapter X that for the preservation of law and order in a free India the police forces of the Provinces and States would suffice if they were enabled to act together. Secondly, the cost of an Indian Army, re-enlisted and remodelled for the service of Pakistan, might well be less than that of the Indian Army under its present British management. Nevertheless, when all allowances have been made, it seems plain that, in order to maintain anything like the pre-war scale of defence, the Pakistan Government would have to find a far greater sum of money than has been shown to be available.

Some exponents of Partition propound a simple solution of this problem. The situation, they say, will be much the same as before. Pakistan, it is true, will be the north-west frontier State, but its frontier will still be a frontier of all India. In the future, as in the past, an invasion of the Punjab would open the way to the conquest of the whole sub-continent. After Partition, therefore, as before it, the security of the North-West will be regarded as a common interest of the separated States. Their Governments will conclude a defensive alliance or, better still, they will establish a Confederacy of India which will devise, execute and jointly finance a single

policy in foreign affairs and defence.<sup>1</sup> But can such a harmonious outcome of Partition be taken for granted? Some Hindu statesmen hold that Partition ought not to be ruled out of discussion; but that does not mean, of course, that they want Partition to come about. The vast majority of educated Hindus, it is safe to say, are bitterly opposed to it. If they ultimately had to acquiesce in it, they would still resent it. And, that being so, it seems improbable that, in the early days of Partition at any rate, the relations between the Hindu and Moslem States would be cordial or that the former would be willing to help the latter to pay for the consequences of what they had done. They would be more likely to tell them that they cannot have their cake and eat it. In any case the separated States would have their separate forces; for it is inconceivable that the Hindus would pay the Moslems to defend them. Dr. Ambedkar, indeed, as has been seen, goes so far as to suggest that Partition would give Hindu India more security because it would enable her to have a wholly Hindu army; and the hard fact must be faced that, while Partition would be mainly brought about by the conviction that Hindus and Moslems cannot live at peace in one State, it would offer no guarantee whatever that they would be able to live at peace in two or more. If in the end Partition proves to be unavoidable, everyone will hope, but no one will be certain, that Hindu resentment at it will not harden into active enmity. There will be chances enough of friction. Without large-scale exchanges of population the claim that Partition would solve the minority problem cannot be sustained; and the fate of Europe shows that, if a minority problem can be difficult enough within one State, it is far more difficult when it is shared by neighbouring States. Nor, if Partition comes, is the old gulf likely to be narrowed by a common economic interest and policy. On the contrary, as has been seen, the effort which Pakistan would be bound to make to attain its economic independence could only be made at the cost of Hindu India. It could only develop its own industries by protecting its markets from the Hindus who have so long exploited them. If war is to be possible anywhere in the years ahead, if it is not effectively outlawed by a world-wide collective peace-system, it would clearly not be impossible in a partitioned India.

It appears, then, that the greatest difficulty of Pakistan and its gravest risk lie in Defence. If the probabilities discussed above are really probable, it would have to face the prospect of defending the north-west frontier without the help of Hindu India; and to do that on anything like the same scale as it was done before the war, even without considering the increased cost of modern armament, would be far beyond its powers. Even to raise a substantial fraction of the money needed would require such extra taxation on the one hand and such drastic cutting down of administrative costs and social services on the other as would greatly lower the general standard of

<sup>1</sup> The distinction between a Confederacy and a Federation is sometimes overlooked. A Confederacy, of course, is a league of independent States (*Staatenbund*) whose Governments co-operate in the execution of an agreed common policy. A Federation is a single State (*Bundesstaat*) whose Government controls, to a greater or less extent, the common affairs of the federated units.

living and not only render the backward masses of the people still more backward but doom them to that state for years to come. And that might not be all. Might there not be some anxiety as to the safety of Pakistan's eastern frontier too?

In the earlier part of this chapter an attempt was made to state the advantages of Partition as objectively as possible, and the examination of its disadvantages must be no less objective. What, then, is the conclusion to which the facts or the reasonable probabilities point in this crucial matter of Defence? Is it not clear beyond dispute that Pakistan would not be able to maintain the security it has hitherto enjoyed as part of India? Even the minimum necessities of defence would strain its resources to the utmost and hold up the social advancement of its people. For the rest it would have to take the risk.<sup>1</sup>

## 5

The financial prospects of North-East India are more speculative than those of Pakistan if only because its boundaries are more uncertain. Everything depends on whether or not it includes the great commercial and industrial area of Calcutta, and it was argued earlier in this chapter that its inclusion must be regarded as a doubtful proposition. No one at any rate can take the answer to that question for granted, and, until it is answered, it is not worth while to examine the financial possibilities of North-East India in any detail. For the purposes of this Report it must suffice to draw attention to one or two main points.

(1) Bengal as it is now, with 20 per cent. of the population of British India, possesses (on the basis of the average number of workers employed in factories) 83 per cent. of its industry. In Eastern Bengal, without Calcutta, the percentage of British-Indian industry falls to 2.7. Assam has valuable tea-gardens and one of India's two sources of petroleum, but virtually no industrial development. Thus, while North-East India including Calcutta could constitute an effective partnership with Pakistan with a balanced economy, North-East India without Calcutta would be an almost wholly agrarian appendage, served by the one minor port of Chittagong.

(2) If Calcutta were given an autonomous status, it would doubtless be arranged that the customs-duties on goods imported *en route* to North-East India or the Hindu State would be credited to the State to which the goods were consigned; and, if Calcutta were included in North-East India, a similar arrangement would presumably be made, since otherwise it would

<sup>1</sup> In a speech in the Punjab Legislative Assembly on March 11, 1941 (*Official Report*, vol. xvi. no. 8, p. 358), Sir Sikander Hyat Khan said: 'We are the natural custodians of India and have proved our worth on the battlefields at home and abroad and have thus acquired the proud distinction and title of being known "the sword-arm of India" (*cheers*). But that does not mean that we can on that account afford to 'out adrift from the rest of India and still hope that we will be able to defend our Province and our neighbours against organised aggression from outside. . . . We want independence and freedom like everyone else, but we cannot become independent merely by declaring that we are free because we have our own army. Who will pay for that army? I am quite clear in my mind that we cannot afford it . . . Unless we have strong, efficient and up-to-date defence forces our independence will not be worth a day's life; let us make no mistake about it.'

be open to the Hindu State to import its goods through a Hindu port such as Bombay. In either case the share of North-East India would be relatively small: for the bulk of the goods would continue to go, as they go now, not eastwards, but westwards, to Western Bengal, Orissa, Bihar, and the eastern areas of the Central and United Provinces. Nor, if Calcutta were included in North-East India, would its prosperity as the business-centre of a great and predominantly Hindu *hinterland* be unaffected. Customs-barriers inevitably restrict freedom of trade, and it seems not improbable that some Hindu firms would evade the barrier and also perhaps the difficulties of double income tax by shifting their quarters to the Hindu State.

(3) The cultivation of jute has long been and is likely to remain one of the mainstays of Bengal's revenue. Under the Act of 1935 and the Niemeyer Award the export-duty on jute is at present appropriated by the Central Government, which distributes 62½ per cent. of it to those Provinces in which jute is grown.<sup>1</sup> In 1938-9 Bengal's share was 1,80 lakhs (£975,000). North-East India, including Calcutta, would presumably levy its own duty and take the whole of its yield. Most of the jute is grown in Eastern Bengal, and North-East India, without Calcutta, would be able to levy duty on raw jute exported from Chittagong, but its diversion thither from Calcutta with the existing system of communications would not be easy. Moreover, three-fifths of the duty in 1938-9 were levied on jute manufactures, and this industry is located in Calcutta. For North-East India to levy export-duty on raw jute crossing the frontier to Calcutta would be dangerous for two reasons. First, the Hindu State would probably levy an export-duty on its jute manufactures and, since the price in the world-market would have to compete with that of substitutes, this second charge would inevitably reduce the cultivators' profits almost, if not quite, to nil. Secondly, a duty on raw jute at the frontier would be a direct invitation to the Hindu State to extend its own area of jute cultivation and so threaten North-East India with the loss of its nearest and largest market.

(4) The present war has shown how serious the problem of defending India on the North-East may become. The new State, like Pakistan, would be open to attack on two sides, and, though it seems unlikely that the hillmen of the Chinese and Burman frontiers would prove as dangerous in peace time as the Pathans, the resources of North-East India by itself, even if it included Calcutta, would be strained, though not so severely as those of Pakistan, in order to safeguard its frontiers against the possibility of war. Without Calcutta, North-East India would be desperately weak; and in the light of what has been said above it could scarcely expect much help from Pakistan.

It may be said, then, to sum up, that, since it cannot be assumed that the Hindu States would share with the Moslem States in a joint defence of all India or even that their mutual relations would be friendly, both Pakistan and North-East India, while able to support themselves from their own

<sup>1</sup> See Part II, 323-9.

resources for other purposes, would find it impossible to maintain the security they enjoy at present and could only provide the minimum needs of defence by a fall in their standard of living and a sacrifice of social advancement.

## 6

Material considerations, however, are not always the decisive factor in national policy; and, when once the spirit of nationalism is deeply stirred, when the mind of a people is obsessed with the single idea of obtaining its complete freedom, no price may seem too high to pay for it. To escape from a situation which wounds one's pride or awakens one's fear, or even to get rid of an association which is no more than irksome and uncomfortable, by the simple process of drawing apart and keeping to oneself is a deep-rooted human instinct; and nations, like individuals, may be tempted to yield to it without looking ahead or counting the cost. Nothing else matters, they may say, if only we are free. History provides many illustrations of such an attitude of mind. The reciprocal advantages of a union between England and Scotland were manifest long before it was achieved: it would plainly make England safer and Scotland richer: yet it proved a most difficult task to bring the two nations together. On the morrow of the Napoleonic War the statesmen of Europe united Holland and Belgium in a single State in order to give it more security than the two countries could possess apart against the possibility of France some day renewing Napoleon's attempt to dominate the Continent. Belgium was the weaker partner, and the economic advantage she obtained from the union by the opening it afforded her into the Dutch field of overseas trade was similar to that which Scotland had obtained by her union with England. But the issue was not determined by considerations of safety or prosperity. Belgian nationalism, intensified by the fact that Belgians were Catholics and Dutchmen Protestants, could not tolerate a Dutch political ascendancy: the unpopularity and unwisdom of the Dutch king widened the breach; and in 1831 the union was dissolved and a poorer Belgium obtained a weaker safeguard for her freedom in the Great Powers' guarantee of her independence and neutrality. Norway, similarly, would have been more secure if her people had not insisted in 1905 in breaking away from the union which had linked her foreign policy with that of Sweden under a joint crown since 1814. And the same lesson can be drawn from the recent history of Central Europe. The settlement of 1919 was a sacrifice of economics to politics. The wider strategic considerations also went by the board. Only national independence mattered. The economic results, as everyone knows, were calamitous, and in the end national independence itself was lost and the hopes of its recovery committed to the hazards and agonies of war. A last illustration may be taken from a quarter nearer to India, from Asia and from Moslem Asia. The fact that Jewish immigration into Palestine had proved to be economically profitable to the Palestinian Arabs did not

allay the latter's alarm at the prospect of the Jews becoming within measurable time a majority in the country. To quote the Report of the Palestine Royal Commission of 1937:

On the balance the [Jewish] National Home has meant a substantial material gain to them [the Arabs]. Not unnaturally they deny it. But, even if they could be persuaded to admit it, we are quite convinced it would not appreciably weaken their antagonism. Their feeling in the matter has been put in some such figurative language as this. 'You say we are better off: you say my house has been enriched by the strangers who have entered it. But it is *my* house, and I did not invite the strangers in or ask them to enrich it, and I do not care how poor or bare it is if only I am master in it.'<sup>1</sup>

The moral for India is plain. If the calculations made in this chapter are sound, Partition means that the Moslem State or States would be relatively weak and poor. But it cannot be taken for granted that its Moslem champions will abandon it on that account. Unless, indeed, some settlement can be achieved which satisfies the intense nationalist feeling awakened in them by recent events, unless the complex of pride and fear can be resolved, unless some means can be found which, without destroying the unity of India, recognises the Moslem claim to a separate nationality and eliminates the prospect of subjection to a Hindu Raj, then it seems likely enough that political ambitions will once again ride roughshod over all material considerations. Will not Moslem patriots say what those Arabs said: 'What does it matter how weak and poor our homelands are if only we are masters in them?'

<sup>1</sup> Cmd. 5479, p. 131.



## CHAPTER IX

### THE CASE FOR A UNITED INDIA

#### 1

THAT the Moslems would have to pay a high price for Partition is not, of course, the only argument against it. There are other reasons, wider and more positive reasons, why all the Indian communities should desire to co-operate in preserving the political and economic unity of India if only means can be devised for their doing so on just and honourable terms. Nor should it be overlooked that it is a question of preserving, not of obtaining, that unity. Apart from small adjustments of the frontier, the whole of India became a single State when the Punjab was brought under British rule in 1848—a State of dual structure combining British Provinces and Indian Principalities, but still a single State under the ultimate control of a single Government. Thus the partition of India would not be comparable with what would have occurred if the American States had failed to federate in 1787, but rather with what would have occurred if the Southern States had won the Civil War and split the American Commonwealth in two. Partition is destructive, not constructive, and such merits as may be claimed for it must be weighed against the value of that which it would destroy.

That weighing process, indeed, is already at work in India. The demand for Partition has sharply and suddenly compelled all educated Indians to consider what the unity of India means. Before 1940 they had become so accustomed to it that they did not trouble to appraise it: they took it for granted. Nor, despite the steady growth of communal antagonism, were they afraid of losing it. Less than five years ago the notion of Partition was regarded by Moslem statesmen as chimerical.<sup>1</sup> 'In India to-day', Pandit Nehru informed his American readers as late as 1938, 'no one . . . thinks in terms other than those of national unity. . . . It is difficult to conceive of any separatist tendency which can break up this unity.'<sup>2</sup> It was natural to undervalue something that was so familiar and seemed so safe; and this attitude of mind was confirmed among the rising generation by the reaction of nationalist doctrine to the British claim to have benefited India by uniting it. They were taught that the life of India was in all ways better before the British forced it into their hard imperial mould or, alternatively, that the unification of India was a natural process, with the inevitable development of which the advent of the British Raj merely happened to coincide.<sup>3</sup> Such argumentation sounds academic now. The unity of India is certainly natural, but, just as historians have long been aware that there was nothing inevitable about its attainment in the past,

<sup>1</sup> Part II, 199-200.

<sup>2</sup> *Ibid.*, 101.

<sup>3</sup> *Ibid.*

so everybody can see to-day that there is nothing inevitable about its preservation in the future.

The political and economic unity of India is natural because it is the natural response to its geography. The familiar contrast with Europe is as instructive on this point as it is on several others. For, whereas the physical configuration of Europe—its long indented coast-line, its peninsulas and inland seas and islands, its mountain ranges—has fostered the growth of separate nations and their seclusion from one other in separate States, geography seems to have marked out India, though not much smaller than Europe, to become in due course a single political and economic unit. On two sides it has set the sea and on the third the greatest mountain-barrier in the world; and, while it has thus cut the peoples of India off from other peoples, it has not cut them off from one another. The only large island, apart from Ceylon, is Cutch, the only large peninsula is Kathiawar. Elsewhere the long seaboard is singularly unbroken. And across the land there is only one substantial natural frontier, the Vindhya Mountains and their offshoots, which, though nowhere of any great height, interpose between the northern plains and the Deccan a stretch of rugged, rocky, inhospitable ground. In old days this was a sufficient obstacle to make it difficult for the masters of the North to extend their conquests southwards, but the Moguls crossed it, and the Marathas also from the other side, and for the British it soon ceased to be an obstacle at all. Mere distance in fact, not any natural frontier, was the chief impediment to the expansion of the British Raj all over India, and, long before the coming of the aeroplane, distance had been conquered by the railway, the telegraph, the telephone and the all-weather road. No soldier or administrator nowadays would say that the physical character of India makes it hard to hold or govern it.

The comparative ease and speed with which India was unified by the strength and science of a Western Power may have obscured to some extent the magnitude of the change it brought about in India's life. Even under the greatest of the Moguls the subjection of India to one government had never been so close or so complete, and with the collapse of the Mogul Empire India reverted to a political fragmentation which, though more erratic and unstable, was not otherwise very different from that of Europe. When British rule was expanding over India, Madras had no more in common with the Punjab, Bengal no more with Bombay, than Germany had with Spain, or Italy with Poland, when Napoleon dominated Europe. As late as 1877 John Bright contemplated the 'nations' of India drawing together under British rule into a group of States which would be able to stand by themselves when British rule was finally withdrawn. 'You would have five or six great States there, as you have five or six great States in Europe.'<sup>1</sup> But in the course of another generation so profound was the effect of the British Raj that even those who realised the diversity of India had ceased to think of it as comparable with Europe. By the

<sup>1</sup> Part I, 50-1.

end of the nineteenth century India had come to mean more than the name of a sub-continent. The differences of race and language were still there. The communal divisions still cut deep—how deep we know today. Yet educated Indians, whatever their race or creed, had acquired a consciousness, such as they had never had before, that they were all of them Indians. One supreme government, the adoption of English as the *lingua franca* of the intelligentsia, the ease with which it was now possible to visit or correspond with any part of India, the growth of higher education and of common interest and collaboration in scientific and literary research, the spread of commerce and industry over a vast free-trade area, the linking of production in one part of the country with markets in another, the relief of famine by inter-Provincial co-operation—all these major factors were welding India together, aided by the forging of innumerable minor social and economic links and the making of innumerable personal contacts and relationships. No one can travel through India today without becoming aware of the extent to which it has acquired a common life, a common society, in which its educated elements are freely commingled. He may share his carriage in the train with a Bombay merchant who has been visiting a branch of his business at Lahore, a lawyer from Bengal with a brief at Nagpur, a Madras scientist attending an academic conference at Calcutta, a Punjabi officer going to join his regiment at Bangalore. Such countless common social, economic and intellectual activities were enough in themselves to create a sense of community; and, when with the beginning of self-government Indians began to share in common political activities also, that sense of community was inevitably coloured by the idea or the ideal of nationhood. Thus the unifying process was accelerated by the growth of nationalism; and, though nationalism itself, because its objective was the government of India by Indians, was bound sooner or later to precipitate a conflict between the forces in Indian life that made for unity and those that made for disruption, the unifying forces, at any rate up to 1937, had kept the upper hand. In 1937 it was still taken for granted that the free national status now coming into view could only be attained by one united nation. So far had the India of Bright's day been transformed. If Indian society was not yet national, it had ceased to be merely continental. If India was not and never could be, comparable with relatively homogeneous European countries like Germany or France, she was no longer comparable with Europe.

## 2

Was it also realised that India had escaped the fate of Europe? Since 1848 Europe has been stricken by upwards of ten wars;<sup>1</sup> and the intervals of peace have been haunted by the fear that they could not last for long.

<sup>1</sup> Apart from the five 'German wars', there have been wars in the Crimea (1854), in the Balkans (1876-8, 1879, 1912-13, 1914), between Italy and Turkey (1911) and between Russia and Poland (1920), as well as the wars of Italian liberation and the civil wars in Russia and Spain.

Social progress, the possibilities of which had been enlarged by modern science far beyond the dreams of any previous age, was greatly impeded by the cost of preparing for war and brought to a stop, if not reversed, by the coming of it. From that terrible experience India has been saved. She has been brought, it is true, within the scope of the two last wars, the world wars, but she would have been far more deeply involved and would have had to endure far greater sacrifices if the wars had not been fought mainly in Europe and between European peoples, but in India and between Indian peoples. By such internal wars India had been rent and devastated from time to time throughout her long history before the British came. It was only the unification of India under British rule that ended them. There has been none since the challenge to British rule was overcome in 1858.

It is the same in the economic field. It is true that the cost of defence against danger from without has weighed heavily on India, but its weight would have been far greater (as has been intimated in the preceding chapter) if India had been divided, like Europe, into several States, compelled to set up their defences not only against the outer world but also against each other. It is true, likewise, that, until India obtained fiscal autonomy, her industrial development was checked by the competition of foreign goods imported from outside. But that handicap was nothing to what the whole economic life of India would have suffered if, like Europe, her territory had been criss-crossed by the fiscal frontiers of jealously competing and potentially hostile States. Several of the Indian principalities have maintained customs-barriers, but, while Europe has paid the disastrous price of economic nationalism, British India has preserved free trade between all parts of a region about half the size of Europe. United, India has been able to maintain a profitable balance between areas of different economic character.<sup>1</sup> Raw materials have been produced in one, manufactured in another, and the finished goods marketed in all, without having to cross and to pay for crossing a single customs-barrier. Between the independent States of a disunited India, unable to dispense with revenue from customs-duties or forced into protection by industrial competition with each other, such barriers would inevitably have been built up with inevitable injury to the economic welfare of India as a whole.

The reasons why the Moslems want Partition are obvious and no impartial student of Indian politics can fail to understand them. But it seems doubtful whether it has yet been fully realised that Partition would throw India back to something like the state she was in after the Mogul Empire had collapsed and before the British Raj replaced it. For, once the frame of unity were broken, once the process of disruption had begun, it would not be likely to stop at the separation of a Moslem State or States from Hindu India. Already the leader of the anti-Brahmin Justice Party in Madras has backed the Moslem claim for Pakistan, and demanded an

<sup>1</sup> A map of India showing the distribution of its chief products and industries will be found at the end of the book.

independent Dravidian State in Southern India.<sup>1</sup> And the drift towards fragmentation might well go further. Once the principle of national or quasi-national self-determination were put into operation, would the Marathas or the Rajputs wish to be merged in a single Hindustan? And would the Princes, with the Nizam of Hyderabad at their head, waive their right to a share in the distribution of independence? Those are the sort of considerations which have led Indian statesmen—Mr. Gandhi in the forefront—to talk of impending civil war and anarchy. And, though Mr. Gandhi on occasion has given it a strange and irresponsible twist, such talk is serious enough in itself. Many Indians may think it inconceivable that after so long a period of peaceful progress India could relapse into the bloodshed and barbarism of a half-forgotten past: but that is what most civilised Europeans thought about Europe a few years ago.

It is, indeed, ironical that Indian separatists should be seeking to tread the road that Europe has trodden at the very moment when the end to which it has brought Europe and might so easily bring India is plain for all to see. In 1919, in reaction against the German and Magyar doctrine of national ascendancy, the central zone of Europe from the Baltic to the Aegean was committed to the counter-doctrine of sovereign national independence. It proved a precarious doctrine in politics and quite impracticable in economics; for it made it impossible to establish an effective system of collective security or economic co-operation. All thoughtful Europeans are now aware that the principle of unrestricted or at least of unco-ordinated national sovereignty is dead and that without the widest practicable measure of inter-European combination the chances of the new post-war Europe will be little brighter in the long run than were those of the old. Yet India is now threatened with a repetition of the same sombre story as if it had never been told. As Moslems see it, the Congress doctrine of majority rule is at root the same as 'Prussianism'. It is the doctrine of national ascendancy, the creed of a *Herrenvolk* of caste-Hindus. And, naturally enough, the reaction to it is like the reaction of 1919 in Europe. The Moslems not only declare that union is impossible: they make a virtue of disruption. They exalt the principle of national separatism when the tragedy of Europe has just exploded it; and, strangest thing of all, they appeal to the history of Europe to prove that they are right. In his presidential address at the 'Pakistan Session' of the Moslem League in 1940, Mr. Jinnah dwelt on the danger of trying to combine two nations in one State and cited the example of the British Isles, Czechoslovakia and Poland.

History has also shown us [he went on] many geographical tracts, much smaller than the sub-continent of India, which otherwise might have been called one country but which have been divided into as many States as there are nations inhabiting them. The Balkan peninsula comprises as many as seven or eight sovereign States.<sup>2</sup>

<sup>1</sup> *Sunday Observer*, Madras, April 28, 1940.

<sup>2</sup> *India's Problem of her Future Constitution*, 18.

It would almost seem as if the 'Balkanisation' of India were to be regarded as in itself desirable despite the fact that the fragmentation of the Balkans has been the 'running sore' of European politics for a century past. It has been a standing invitation to external Powers—Russia on one side, Austria with Germany behind her on the other—to intrigue and stir up strife in order to promote their own *Realpolitik*. The appeal to the Balkan example overlooks, moreover, the existence of those minorities of a different nationality in the national States which create in the Balkans, as they would create in a partitioned India, the dangerous problem of an *irredenta*. That particular aspect of Partition has not been ignored in Moslem League circles; it seems actually to have been welcomed. Mr. Jinnah, it will be remembered, once likened the Moslem minority in the existing undivided India to the Sudeten in Czechoslovakia. The Moslems of the Middle East, he implied, corresponded to the German *Reich*. A new and even more sinister version of this analogy is now said to be current in the United Provinces. The Sudeten are the Moslems in the future Hindu State: the *Reich* is Pakistan.

Too much weight must not be given to the incidental utterances of men who are pleading a cause and may be speaking in hot blood. No Moslem statesman can really ignore the fate of Europe, nor desire, on principle and without the compulsion of necessity, that India should throw away even that minimum of unity which Europe so manifestly needs. Yet the extremist tone of much that is said and written by champions of Partition is not without significance. It shows to what lengths of thought and speech the spirit of nationalism can be driven by a passion to escape from a domination it dreads and hates. And only wishful thinkers can suppose that there is nothing but sound and fury in it. Moslem nationalists, it seems safe to say, will not only talk, they will act, and India's unity will be veritably disrupted, unless that compelling necessity can somehow be removed. Is that impossible? Mr. Jinnah claims to be a realist. The gulf between Moslems and Hindus in India, he may say, is in fact as wide as the gulf between Serbs and Bulgars: India is in fact another Balkans: the reality has merely been disguised, it has not been done away with, by the artificial framework of the British Raj. But is that certain? Might not such realism be better described as fatalism? And in any case the existing fragmentation of the Balkans is not regarded by all Balkan statesmen as a permanent necessity. For some time past the possibilities of federation have been under consideration.

There is another point on which the ideology of Partition seems out of date. The nationalism it preaches is based on religion. It is because they are Moslems that the Moslems of India are entitled to political independence. It is because they are Moslems that the trend of their future international associations should be turned away from India and towards the

Middle East. Such ideas are the natural outcome of the old Islamic philosophy of life in which Church and State were indivisible. Not long ago they were a commonplace of the Moslem world. But one of the most remarkable results of the war of 1914-18 was the change it brought about in Moslem political thought. For the new tide of nationalism which it set running through all the Moslem countries from Morocco to Afghanistan was not dominated by religious fanaticism. If it was directed against Christian Governments, it was not primarily associated with the notion of a 'holy war'. How far the Moslems in their desire to be free from European domination had adopted the European conception of the national State was finally demonstrated by events in Turkey. The dramatic recovery of the Turks from the disasters and humiliations of the war was followed by the fall of the Ottoman Sultanate, the abolition of the Ottoman Caliphate, and the complete secularisation of the Turkish State. Thus political pan-Islamism was deprived at a stroke of its main foundations. In other Moslem countries—in Egypt, Persia, Iraq, Syria—nationalism, though nowhere so secularist as in Turkey, assumed a similar Western complexion. Observers in the West began to ask if the words 'Islamic World' had not lost their political meaning, if the rôle of Islam in Moslem countries was not destined sooner or later to be assimilated to that of the Churches in Christian countries.

Indian Moslems can scarcely have forgotten the reaction of those developments on Indian politics. The Caliphate Movement, in which the left-wing Moslems combined with Mr. Gandhi and the Congress against the British Government, was completely exploded by the abolition of the Caliphate.<sup>1</sup> Yet in inverting the dictum of *Cujus regio, ejus religio*, in looking forward to creating a political nexus between Pakistan and the Moslem countries of the Middle East, still more in extending the idea of a consolidated Moslem zone to embrace the Dutch East Indies, are not the Partitionists inviting a repetition of what happened twenty years ago? If pan-Islamism was dead then, can it be resuscitated now? Can the philosophy of the Caliphate Movement be revived without a Caliph? Are Moslems at Ankara or Cairo or Bagdad likely to feel that their political interests are closely linked with the prospects of Pakistan? The members of the Turkish Press Mission which visited India early in 1948 were reported to have shown 'scant interest in or sympathy with the pan-Islamic aspirations of the Indian Moslem League, thinking these to be anachronistic'.<sup>2</sup>

4

It is not only in the claims and the character of its nationalism that the doctrines of Partition seem reactionary. The cause of international unity in the world at large is necessarily linked with the cause of democracy—necessarily because without a sufficient measure of international unity it is

<sup>1</sup> Part I, 78.

<sup>2</sup> *The Times*, Feb. 6, 1948.

difficult under modern conditions for any nation to maintain a democratic system. The greatest enemy of civic freedom is insecurity. How the growth of liberty in England was fostered by her insular safety, how absolutism flourished on the Continent for the opposite reason, how Prussian militarism was the natural offspring of the open plains of Central Europe—all that is a familiar story of the past, and present experience has underlined its lesson for the future. Modern warfare is so 'total', so elaborate and so costly, that, unless some effective means can be devised for preventing its frequent recurrence, the free civilisation which goes by the name of democracy is evidently doomed. Too much time and money and wealth will have to be given to preparations for defence, and too little to the solving of social problems, the raising of the standard of living, the extension of social services, especially of education—to those things, in short, without which democracy can never come into its own. Nor will it only be impossible to realise its ideals. The ideals themselves will wither in the perpetual shadow of war. Given time, democracies can organise for war and fight it through at least as well as military dictatorships. But in modern war, as the world nearly learned to its cost in 1940, time may not always be given; and it is obvious enough that those temporary sacrifices of freedom which war forces on democracies are likely to become permanent unless some security can be provided against its constant repetition. Militarism, not democracy, is the natural costume of a war-ridden world.

That is plain enough to the free peoples of the Western world to-day. Is it so plain in India? Is it realised that to press too far the claims of nationalism is to darken the prospects of democracy? Insecurity in the West means that democracy may die. Insecurity in India means that it may never come to life. A vast amount needs to be done before Indian society can be called democratic in the same sense as the free societies of the West. A great effort must be made to increase the productive capacity of the country and to improve the livelihood of its innumerable poor. Huge sums must be spent on health and education. A United India, with such internal security as only union in some form can provide, could hope to make at least some progress in achieving those essential tasks, in bringing about the social conditions in which alone democracy can thrive. For a disunited India would it be even possible? The loss of security involved in Partition would be at least as serious as that involved in a breakdown of international co-operation in the West, and the burden of armaments which it would impose on the independent States would be relatively heavier. In the Moslem State or States, at any rate, as has been seen—and the probability that Partition would also involve the fragmentation of Hindu India has been pointed out—there would be small chance of raising the standard of living or even of maintaining the social services at their present level. And would not the ideals of democracy, relatively such young and shallow-rooted plants in India, be even less likely than in Europe to survive the rigours of a military régime? Would the Princes, for example, be tempted



to yield more power to their peoples? On the contrary, might not their autocracy become a model for other parts of India?

## 5

One last argument remains to be pleaded in defence of India's unity, and to some minds it may seem the strongest. The enfranchisement of India will not resolve or will only partially resolve the psychological complex which has affected most educated Indians for a generation past, if freedom is coupled with disruption.

The primary cause of the unrest and discontent among the Indian intelligentsia has long been diagnosed. It is their sense of humiliation and resentment at the subjection of their great and ancient country to alien rule, at the inferior footing it was thus compelled to occupy beside other countries, at the denial of its natural right to equality. 'It is a great deal more than a personal feeling', said the authors of the Simon Report in 1930; 'it is the claim of the East for due recognition of status.'<sup>1</sup> But there is still more in it than that. A constitutional settlement, whether it be based on Union or Partition, would free all India from British control. The Draft Declaration of 1942 offered to non-adhering Provinces the same Dominion status as it offered to an Indian Union. Whether as one State, therefore, or as a group of States, the people of India would obtain their independence and with it an equal status with that of any other people in the world. But status is not everything. Equality before the law is only one kind of equality. And that psychological complex, that sense of degradation, cannot wholly be removed from Indian minds by freedom. Indians must also be given the opportunity through their freedom to redeem their past. If India could recover the position she once held in the world, if she could become again a great Asiatic Power, not only taking the lead in political and economic strength but setting new standards of social life and culture, then indeed the memories of her period of subjection might fade out, and her historians might ultimately come to regard the era of British rule in the same sort of light as British historians regard the era of the Norman Conquest.

Such a prospect is by no means fanciful. A United States of India might reasonably expect to take rank in years to come among the great political units of the world. If greatness is still to be judged in the last resort by military power, she has the potential strength and wealth required to achieve it. Geography has given her a safer strategic position than any other country of comparable size. Her soldiers have proved themselves second to none. Her natural resources would enable her to attain at need a high degree of economic self-sufficiency. She possesses an inexhaustible labour force, and her industrial output for the purposes of the present war shows how easily she could develop an 'industrial

potential' capable of arming her own forces with modern weapons. Even in her present relatively backward state, the strategic and military strength of India would enable her to play a leading part in building the new order of the post-war age. And if, in a freer, more coherent, more co-operative world, India could turn her great resources to the needs of social progress and the arts of peace, she would bid fair to regain the place she occupied in the history of civilisation in the days of Asoka or of Akbar, a place worthy of the ancient homeland of more than one-sixth of mankind.

But all that is such stuff as dreams are made on if the Indian homeland is fated to be split up into several independent 'national homes'. India cannot be 'Balkanised' without reducing its component 'nations' to the Balkan level. The severance of the Moslem areas alone would gravely impair the strength and wealth of what was left, and reasons have been given for supposing that the residual Hindu India would not remain united. In such a disrupted India the Indians could never achieve their natural destiny. Their States would rank not with the Great Powers of the world but with Egypt or Iraq, with Burma or Siam.

## CHAPTER X

### REGIONALISM

#### 1

THE question must now be faced—Is a Hindu-Moslem agreement for preserving the unity of India possible?

Plainly it is not possible if the Hindu and Moslem leaders continue to hold their present positions, if the Hindus insist on a Hindu Raj and the Moslems insist on disrupting India. Plainly it is only possible if, when the issue can no longer be postponed and the statesmen on each side are confronted with a choice which will determine the destiny of India, they can bring themselves, in the common interests of the whole vast country, to acquiesce on the one hand in something less than the 'logic of democracy' and on the other hand in something less than sheer Partition.

In other words each side must admit the strength of the other side's case. The Moslems must recognise—as surely indeed they already do—that, if they could agree with the Hindus as to how it should be done, it would be better for them both to preserve the unity of India than to destroy it. And the Hindus must recognise—and that may prove more difficult—the Moslem claim to nationhood and national self-determination.

It is in this question of nationhood that the crux of the whole matter lies, and it is essential to realise at the outset that it is two questions, not one. There is first the question of what a nation is, and secondly the question of its rights.

The first question can be quickly dealt with. Theoretical disputation as to whether the Indian Moslems are or are not a nation would be waste of time. Volumes have been written about the meaning of the word. Various tests of nationhood have been laid down—race, language, religion, homeland, history—but none is of universal application. The only safe conclusion is pragmatical. If a people feels itself to be a nation, it is one. And that most Indian Moslems or, at any rate, their leaders now feel that they are a nation is not in doubt. Otherwise they must admit that they are only a community with all that that implies in politics.

The second question has already, it may be said, been answered. A nation's rights may be summed up in the right of self-determination; and, while that right, like all political rights, is not in theory an absolute right, it has in fact been conceded to the Moslem-majority Provinces by the Draft Declaration of 1942. That they can have Partition if they want it is clearly one of the 'broad principles' of the Declaration which constitute the 'settled policy' of the British Government.<sup>1</sup> And on that point it may be said in passing that the psychological truth of Sir Stafford Cripps'

<sup>1</sup> Part II, 295.

remarks about the 'open door'<sup>1</sup> seems incontestable. Indeed, the course of Indian controversy had already shown that the surest way to inflame the desire for Partition is to rule it out of discussion.

But the question of a nation's rights is only half-answered by conceding the principle of self-determination. Self-determination only means that a nation may assert its rights: it does not define them. Thus a further question must be asked. What are those rights of nationhood which the Moslems wish to assert?

They can be simply summed up as follows: (1) The Indian Moslems, like other nations, must possess a national home which they can call their own. To that end the areas in which they are a majority must be consolidated into a separate State or States. (2) The State or States must be wholly independent.

Here again it is essential to observe that two questions are involved, not one. That distinction, indeed, strikes to the very root of the whole problem. For it cannot be maintained that a nation *must* be embodied in an independent State, that it cannot otherwise realise its nationhood. To argue so is to revert to the outworn philosophy of early nineteenth-century Europe and to ignore the doctrine of the multi-national State first preached in Acton's famous essay as long ago as 1862. And it is to contradict the facts of history. The Scots are undeniably a nation, so are the Welsh. The Swedes and Norwegians did not recover their nationhood when they dissolved their union: they had never lost it. The German, French and Italian Swiss, or the French-Canadians may be described as nationalities rather than as nations in the full sense of the word, but they possess a national tradition, a national way of life, and they adhere to it, as firmly as any independent nation, within their multi-national States.

Nor did the Moslem leaders always make this claim. The reaction against the prospect of a Hindu Raj may be said to have begun in 1937. It had nearly gone as far as it could go by the winter of 1939. Pakistan was already in the forefront of debate, though it was not yet quite certain what was meant by it. At the beginning of 1940 Mr. Jinnah wrote an article for a British periodical in which he expounded the 'two-nations' doctrine, explained that parliamentary government of the British type had been shown by the course of events in the Congress Provinces to be impracticable in India, and declared that the Moslems would never accept a federal constitution framed by Congress methods in accordance with the Congress maxim of majority rule. The article ended as follows:

To conclude, a constitution must be evolved that recognises that there are in India two nations, *who both must share the governance of their common motherland*. In evolving such a constitution the Muslims are ready to co-operate with the British Government, the Congress or any party, so that the present enmities may cease and India may take its place amongst the great countries of the world.<sup>2</sup>

<sup>1</sup> Part II, 276.

<sup>2</sup> *Time and Tide*, Jan. 19, 1940. Italics not in the original.

That was published on January 19, 1940. On March 23 the League at Lahore passed the 'Pakistan Resolution' asserting that the Moslem regions must constitute 'independent States', and authorising the Working Committee to frame a constitution, 'providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary'.<sup>1</sup> Now the plain meaning of that was Partition. It implied that the Moslem States would be completely independent. It thus conflicted with that sentence at the end of Mr. Jinnah's article. Or was another interpretation conceivable? Could it be argued that a nation could possess such powers of governance as those of defence and foreign policy and at the same time share them with another nation?

## 2

Since powers can only be shared by means of some joint mechanism, the possibility of 'sharing' brings a Centre of some sort back into the picture. But, if the Moslem case is to be met, it cannot be the sort of Centre which was contemplated at earlier stages of the constitutional debate and which was finally embodied in the Act of 1935. Most of the discussion on the question in India seems hitherto to have been unduly narrowed by preconceived ideas. Just as it was taken for granted that parliamentary government meant majority rule, so it has been assumed that an Indian federation must be more or less on the lines of the Act. It might be made more federal. The powers of the Centre might be restricted to a minimum. Residual powers might be vested in the Provinces. But what else, it has generally been asked, could be done? Few of the disputants seem to have realised that it was possible to conceive of a radically different kind of federation, not only different in the character of the units that composed it, but different also in the principles and the purpose of its *quasi*-federal institutions.

The second point of difference will be discussed in the next chapter. As regards the first point it is interesting to observe that the assumption that any federation must be a combination of the existing Provinces and States, with or without changes of frontier, has not been universal. Another idea has been in the field for several years. It was born and has grown up in the Punjab. In its latest form it might almost be called the 'Punjab Plan'.

The germ of it may be found in the late Sir Muhammad Iqbal's famous presidential address to the League Session in 1930.<sup>2</sup> He propounded, it will be remembered, what he called a 'territorial solution' of the Indian problem.

The creation of autonomous States based on unity of language, race, history, religion and identity of economic interests is the only possible way to secure a stable constitutional structure in India.

<sup>1</sup> Part II, 206-7.

<sup>2</sup> *Ibid.*, 198-9.

He was not advocating Partition. By autonomy he did not mean full independence. He was thinking primarily of Moslem consolidation. He wanted to unite the Punjab and its neighbours in 'a consolidated North-West Indian Moslem State'. To that extent he foreshadowed the Pakistanian programme for a Moslem nation firmly established in its national homeland. But he did not propose that the Moslem State should break away from the rest of India. It was to be one of several similarly constituted States which would be linked together in a loose all-India federation. Iqbal had communicated this idea two years earlier to the Nehru Committee,<sup>1</sup> but it had been rejected on the ground that the proposed Moslem State would be too big. In other words the members of the Committee were not prepared to extend the plan to other parts of India. As their Report showed, they were still thinking in the traditional terms of a 'strong Centre': they wanted the federation to be as unitary as possible: they did not want a group of new, big, powerful States interposed between the Centre and the Provinces.

Iqbal was a Punjabi, and his political philosophy may well have been more congenial to his fellow-Moslems in the Punjab than to the members of the Nehru Committee. At any rate his idea of a Centre based on larger units than the Provinces emerges, in a more limited or tentative form, from the discussions of the Punjab Provincial Committee which was appointed in 1928—the year of the Nehru Committee—to co-operate with the Simon Commission. The majority of the Committee, headed by its chairman, Captain Sikander Hyat Khan, agreed with the minority in desiring to retain the existing Provinces, nor did they propose the grouping of them in larger units of administration on the lines of Iqbal's States. But, in order to obtain a proper balance at the Centre between the different parts of India, they recommended that for the elections to the Central legislature—and for that purpose only—'India should be divided into five more or less equal units . . . each unit returning one hundred members to the Assembly and forty members to the upper house'. 'With a little care and labour', the Report went on, 'it should be possible to constitute more or less homogeneous units for this purpose.'<sup>2</sup>

Eleven years later the idea again appears in the Punjab, and now not only in its full scope but worked out in greater detail. Moderate Moslem opinion had not followed the young authors of Pakistan into the 'extremism' of Partition,<sup>3</sup> but had adhered to Iqbal's 'regional' doctrine as Iqbal had expounded it; and the leading exponent of that opinion was the ex-chairman of the Punjab Committee of 1928, now Sir Sikander Hyat Khan, no academic theorist, but a practical statesman whose Premiership of the Punjab from the spring of 1937 till his premature death at the end of 1942 was a clinching demonstration of Indian capacity for self-government. In

<sup>1</sup> Part I, 88; Part II, 198.

<sup>2</sup> *Indian Statutory Commission*, vol. iii, *Reports of the Committees, etc.*, Cmd. 3572, p. 434.

<sup>3</sup> Part II, 199-201.

a pamphlet circulated in 1939 Sir Sikander proposed that the Provinces and States should be grouped in seven Zones or Regions, and he suggested as a tentative plan for consideration by the various interests concerned that these seven Regions should be composed as follows.<sup>1</sup>

I. Assam + Bengal (minus one or two western districts in order to reduce the size of the 'Zone' with a view to approximate it to other 'Zones').

II. Bihar + Orissa (plus the area transferred from Bengal).

III. United Provinces + United Provinces States.

IV. Madras + Travancore + Madras States<sup>2</sup> + Coorg.

V. Bombay + Hyderabad + Western India States + Bombay States + Mysore and Central Provinces States.

VI. Rajputana States (minus Bikaner and Jaisalmer) + Gwalior + Central India States + Bihar and Orissa States + Central Provinces and Berar.

VII. Punjab + Sind + North-West Frontier Province + Kashmir + Punjab States + Baluchistan + Bikaner and Jaisalmer.

Various other schemes of Regional grouping have been propounded. As to the dominantly Moslem areas they are all agreed: there should be two Moslem Regions, one in the North-West, one in the North-East. As to the dominantly Hindu areas, some base their division mainly on political expediency, others mainly on racial or linguistic differences. One writer, for example, allocates separate Regions to the States of Rajputana and Central India and to Hyderabad, Mysore and other Deccan States, and groups all the rest of Hindu India in one Region.<sup>3</sup> Another writer divides Hindu India into two roughly equal parts. A northern belt of Provinces and States curving from Gujerat through the Ganges plain to Orissa would constitute one Region, and all India south of the Vindhya mountains another.<sup>4</sup> Such a bisection of Hindu India, it is argued, accords with the broad ethnic, cultural and historical facts. The northern block is centred on the Hindustan of history, the home of Hinduism and the seat of most of its sacred shrines. South India was more sheltered from foreign intrusion in the old days of the invasions; and, though the vast majority of its population are Hindus, they are different from the Hindus of the North. They descend from an earlier pre-Aryan age of Indian history. They are mostly Dravidian in race and speak Dravidian tongues.

None of these Regional schemes contemplates the extinction of the existing major units of administration. The Regions are to be federal, not unitary. They would be groups of federated Provinces and States, whose individuality and local patriotism would not be overridden or submerged and

<sup>1</sup> *Outlines of a Scheme of Indian Federation*, 15.

<sup>2</sup> Including Cochin.

<sup>3</sup> Part II, 203.

<sup>4</sup> A. C. Balasundara Nayakar, *Sunday Observer*, Madras, April 7, 1940.

whose Governments would continue to control most of the affairs which they control at present. Thus the tentative list of Regional 'subjects' submitted by Sir Sikander Hyat Khan takes nothing from the list assigned to the Provinces under the Act of 1935; but he suggested that, at the request of two or more units of a Region, the Regional legislature might deal with 'subjects' on the Provincial list 'in order to secure uniformity and facility of administration' within the Region as a whole. Sir Sikander's Regional list takes several 'subjects' from the Federal (Central) list of 1935 such as broadcasting, the promotion of scientific research and of professional and technical training, internal customs, and the care of ancient monuments and archaeological sites. More important are the 'subjects' suggested for a new concurrent list, to be shared between the Regions and the Centre, such as criminal and civil law, the jurisdiction and powers of the courts, the professions, newspapers, books and printing, factories, labour welfare and trade unions, and the control of infectious diseases and pests. As regards these 'concurrent subjects' Sir Sikander proposed that the Central authority should be purely legislative and that Central legislation should be enacted only if at least four Regions requested it and should be applied only to those Regions which desired it.<sup>1</sup>

On the executive side, similarly, Sir Sikander did not propose to trespass on the existing authority of the Provincial Governments, but he pointed out that Regionalism would foster collaboration between the Regional units. 'In administrative matters, and particularly in matters pertaining to law and order, this scheme will encourage the various units in a Zone [Region] to make reciprocal arrangements and, when necessary, to devise a common line of action.'<sup>2</sup> This is a point of cardinal importance. Law and order, it is generally agreed, must remain a Provincial 'subject'; but the need for consultation and joint action in that field between Provincial Governments is no less obvious. It was one of the first lessons taught by the operation of the new Provincial constitution from 1937 onwards; it was plainly demonstrated at the conference of Home Ministers in 1939;<sup>3</sup> and it was underlined soon after by the outbreak of a revolt in Sind which was beyond the powers of the Provincial Government alone to cope with.<sup>4</sup> It will be argued in the next chapter that a general constitutional settlement requires the reduction of the Centre's powers to a minimum, and it would be desirable on that account that the Provinces should rely for help at need in maintaining internal security not, as at present, on the Centre, but on their Region.

The Regions would require their own executive and legislative organs. The same kind of considerations would apply to their structure and working and in particular to the provision made to meet the claims of communal minorities as those discussed in Chapters V to VII with regard to the Provincial constitutions. As to the composition of the legislatures Sir Sikander

<sup>1</sup> *Outlines of a Scheme of Indian Federation*, 26-35.

<sup>2</sup> *Ibid.*, 18.

<sup>3</sup> Part II, 136.

<sup>4</sup> *Ibid.*, 76-7.



suggested that at the outset the component units of a Region should be represented on the basis accorded to them for representation in the Federal Assembly under the Act of 1935.<sup>1</sup> He also proposed that, 'in order to give additional security to the smaller units', a two-thirds majority should be required for the passing of all Regional legislation.<sup>2</sup>

Sir Sikander did not mention the judiciary. Presumably he did not think it would be necessary to create new Regional Courts interposed between the Provincial High Courts and the Supreme Federal Court.

One feature of the Punjab scheme, which is shared by some but not all the others, is that it yokes Provinces and States together in each Region. Sir Sikander laid great stress on this as a means of breaking down the unnatural division between British and Indian India without threatening the autonomy of any of the units concerned. In the first place, he maintained, it would encourage collaboration between contiguous and kindred Provinces and States and thus 'tend to reduce causes and occasions for friction, which would otherwise be constantly present if British-Indian and Indian States units are kept in two watertight compartments'. Secondly, Provinces and States would be enabled to meet and co-operate at the all-India Centre 'on a uniform basis'. Their representatives would go there as representatives of Regions in which Provinces and States had already come together: they would not confront each other, as they would do under the kind of federal system hitherto contemplated, in separate, solid, disparate blocks. This was a strong point in favour of the scheme, but there was a still stronger one. If some of the 'subjects' of common interest which would better be handled jointly than by the units separately were allocated to Regional control, it would be easier to reduce the scope of the Central authority to the minimum, and thus 'allay the doubts and misgivings of the units by eliminating the possibility of undue interference by the Centre in their internal affairs'.<sup>3</sup>

## 3

So much for the idea of Regionalism. What of its practical application? On what principles, along what lines, should the Regions be demarcated?

The demarcation proposed by Sir Sikander, which, he was careful to say, was 'only tentative', seems open to serious objections. The composition of some of the seven Regions does not seem to be based on any other principle than that of geographical contiguity, and even contiguity is not always observed. This weakness is clearly apparent in the treatment of South India in Regions 4 and 5. The principle on which those Regions are based is clearly not cultural: while they bring together all the Gujarati and Malayalam-speaking areas, they split up the Marathi, Telugu and Kannada. Nor are they based on the physical character of the country

<sup>1</sup> *Outlines of a Scheme of Indian Federation*, 16.

<sup>2</sup> *Ibid.*, 17.

<sup>3</sup> *Ibid.*, 18-14.

and its economic implications: they separate Mysore from all its natural associations: they treat the Central Provinces States as a separate group of islands and detach them from the Central Provinces with which—and to a lesser extent with Orissa and Madras—they have close tribal and other connexions. It is still harder to detect a principle of cohesion in Region 6, a block of territory stretching across almost the whole width of India without any marked cultural identity, without any natural association, and without any basis for common economic development.

It is clear, in fact, that this particular scheme of demarcation is mainly inspired by political convenience. It pays scant attention to economic factors, though 'identity of economic interests' was one of Iqbal's principles of Regional consolidation. Yet ought not the economic factors to be the dominant factors? Has not the subordination of economics to politics been one of the main causes of the trouble in which the world now finds itself? Is it not now a commonplace that the primary sanction of all political organisation must be its economic validity? Man cannot live well by bread alone, but he cannot live at all without it. And does not this argument apply with special force to India, whose supreme need, it has been universally admitted for years past, is economic advancement? Ought not the constitution-makers, then, to think first in terms of Indian economics? And just at this time, when the progress of science has inspired such vast and novel economic experiments and holds out such golden prospects for future well-being, ought not Indian statesmen to keep abreast of this new world-wide movement and to make sure that the governmental structure they are planning is based on economic foundations which accord with present economic facts and future economic probabilities? To that end, surely, political preconceptions and traditions, however seemingly sacrosanct, should be sacrificed if need be. It is now or maybe never. For a long time to come, at any rate, the trend of India's destiny will be decided by the character of the new constitution.

## 4

A most impressive example of what can be achieved by large-scale economic organisation has recently been afforded by the operation of the Tennessee Valley Authority in the United States.<sup>1</sup> The Tennessee River rises in the Alleghany Mountains and flows for about 900 miles till it joins the Ohio. Its basin covers an area of about 42,000 square miles and includes parts of seven States. The elevation of this area varies from near sea-level to 6,000 feet, and its climate ranges widely between the sub-tropical and temperate zones. It possesses rich undeveloped mineral resources, and it can grow almost all the crops that are grown anywhere on the continent.

<sup>1</sup> Details in the T.V.A.'s Annual Reports. A good up-to-date conspectus (with instructive photographs and a bibliography) is given by Dr. Julian Huxley in the *Architectural Review* for June 1948.

between Canada and the Gulf of Mexico. Yet, ten years ago, the Tennessee basin was notoriously backward. Its population was relatively small and its standard of living relatively low. There was little industrial development, and the predominantly agricultural community was not only losing its more enterprising members who sought to better their lot elsewhere, but in its efforts to make a living it was fast destroying the means of making it. Burdened with large families, their energy often sapped by malaria, hookworm and vitamin-deficiency diseases, making no effort to improve on their primitive methods of farming, they found themselves perilously near the margin of subsistence.

Under the influence of this pressure the farmers began in many places to encroach upon the crowded mountainside. A steep slope would be burnt off and cleared of its timber, ploughed up and planted with maize. The climate is moist, with spells of heavy rainfall: more than half of all the rain of over 50 inches a year that occurs in the U.S.A. falls in the Tennessee Valley. With the removal of the forest cover and the failure to apply fertilisers, the soil rapidly lost its fertility and large amounts of it were simply washed away. After a few brief years, the slope was no longer worth bothering about, and was abandoned in favour of a fresh cleared area near by, so that, in the heart of the most modern of countries, you could find shifting cultivation of the type usually associated with primitive African tribes. The resultant erosion was appalling.<sup>1</sup>

This grievous situation could not easily be remedied by State action, since several States were involved in it. Regional planning and, as far as the constitution permitted, Regional control were needed; and one of the first moves made by President Roosevelt's first administration in 1933 was the carrying of an Act through Congress establishing a Tennessee Valley Authority. 'It should be charged', said the President in his message to Congress, 'with the broadest duty of planning for the proper use, conservation and development of the natural resources of the Tennessee River drainage basin for the general social and economic wealth of the nation': but, in order not to violate State autonomy, its executive powers had to be limited to such inter-State matters as the control of floods, the improvement of river navigation, and the development and transmission of electric power. Within this field the T.V.A. has done much directly in the course of the last ten years, and outside its scope it has obtained, to a steadily increasing extent, the voluntary co-operation of the State and local authorities. Its achievement may be summarised as follows.

(1) The flow of the Tennessee River has been controlled by a system of dams and reservoirs, holding up the high waters of the rainy season and releasing and 'stepping' them down the valley in dry weather. Nine major dams have been built across the river, and eleven minor ones on the tributaries. The reservoirs and lakes thus created cover an area of over 1,100 square miles. (2) A navigable channel at least nine feet deep is now available for water transport from Knoxville to the Ohio—a distance of

648 miles. (3) Power-stations have been installed at the dams, and the power is transmitted to public authorities, private companies and individuals over the whole area at a cheap rate. (4) The revival of agriculture and the prevention of erosion are combined in a long-term plan, covering the establishment of research institutions and demonstration farms, the manufacture of low-priced fertilisers, the restoration of forest or grass in areas unsuitable for arable cultivation, the checking of denudation by terracing, damming and planting, the introduction of new crops and the encouragement of dairying and livestock industries and of co-operative organisation, and so forth. (5) The incidence of malaria, which would otherwise have been increased by the mosquito-breeding facilities of the new lakes and reservoirs, has begun to decline as the result of an organised preventive campaign. (6) National Parks have been marked out for recreation and the preservation of wild life, and holiday centres organised at the lakes.

It is not too much to say that the conditions of life in this vast area, and still more its prospects for the future, have already been transformed by the T.V.A. Unhappily it has been from the outset a subject of bitter political controversy. Its enemies denounce it as an unwarrantable invasion by the Federal Government of a field that rightly belongs to local authority and private initiative. Conceivably they may ultimately prevail and the T.V.A. be swept away. Even so the work it has already done would remain as a cogent demonstration to the world at large of what can be achieved by planning and co-operation on a basis of Economic Regionalism.

The force of this example must have been felt by economists in India: for in many parts of India conditions are closely akin to those of the Tennessee basin before the T.V.A. began its saving work. The high birthrate, the backward husbandry, the pressure on the means of subsistence, the varied climate, the heavy rainfall, the threat to the soil—all this teaches in India the lesson it has taught in the United States. Clearly India needs a scientific long-term plan 'for the proper use, conservation and development of her natural resources for the general social and economic wealth of the nation'; and clearly such a plan could only be executed by an authority and organisation of more than Provincial scope.

## 5

It is such considerations as these that have inspired an interesting and original scheme of Regional delimitation conceived by a member of the Indian Civil Service whose responsibility for the decennial census of the Indian population has made him closely acquainted with conditions in all parts of India.<sup>1</sup> The nature of the scheme and the argument on which it is built up may be summarised as follows.

<sup>1</sup> Mr. M. W. M. Yeatts, C.I.E., Census Commissioner for India, who discussed the scheme with the author when he was in India and has kindly permitted him to make use of it in this Report. In his introduction to the *Census of India, 1941* (Delhi, 1948), vol. i, p. 26, Mr. Yeatts advocates 'a fifty-year plan for the development of India's water-power resources'.

(1) Except as regards the Punjab, Sind and, to a lesser extent, Bengal the present administrative divisions of India do not correspond with any natural physical divisions; nor do they provide areas large enough for the co-operative economic development needed in the future.

(2) The natural physical division of India is not to be found in differences of climate or between highland and lowland, but in the great river-basins. There are three of these in Northern India: (i) the Indus basin, stretching from Kashmir to Karachi (corresponding in political terms to Pakistan), (ii) the basin of the Ganges and the Jumna between the Punjab and Bengal (corresponding to Hindustan), and (iii) the basin of the Ganges and the Brahmaputra between Bihar and the eastern frontier (corresponding to North-East India). The bisection of the Ganges basin accords with the physical facts. Soon after the Ganges bends southwards on the eastern borders of Bihar to meet the Brahmaputra some 150 miles away, the country begins to change its character. It is no longer the country of the Northern Plain: it is the country of the Great Delta.

South India has no such great rivers as those which spring from the Himalayas. Its main watershed is the Western Ghats, whence some of its rivers flow slowly to the Bay of Bengal and others rush steeply down to the Indian Ocean. But South India is in any case a natural physical unit. It is the country of the Great Peninsula. The discordance between the existing political structure and the physical and economic facts is nowhere so marked as in the division of the Deccan between three Provinces and three large and many smaller States.

(3) Regional division by river-basins corresponds with economic needs. Most of present-day India lives on its rivers. Many millions of its people depend directly, and many more indirectly, on irrigation; and the possibilities of economic welfare for the India of the future largely depend on the proper use of its vast water-power. Hydro-electric installations will not only facilitate industrial development: they will benefit the great majority of the population which must always gain its living from the soil. Cheap electricity can do more than anything else to improve the work and welfare of the Indian villager. It would enable him to increase the productivity of his land and to widen the scope of his efforts and interests, while developments in electrical refrigeration would expand the market for his produce.

(4) The full utilisation of the rivers demands a long-range plan which cannot be carried out within the separate areas or with the separate resources of Provinces. The area of the plan, like that of the T.V.A., must roughly correspond with the area of the river-basin. The Indus and its tributaries serve Kashmir, the North-West Frontier Province, the Punjab and Sind. The proper utilisation of these waters is a vital common interest of them all. A sharp conflict on this issue has been joined for some time past between the Punjab and Sind, and is now in course of settlement by an *ad hoc* Commission. There are similar possibilities of conflict in the Ganges basin.

Two Provinces and one State have been discussing for years past the use of the waters of the Tungabhadra. The control of the Mahanadi is a vital matter for the plains of Orissa, yet its upper waters flow through Indian States which have no connexion with the Province. Wherever, indeed, a river is shared between more than one autonomous unit, friction is unavoidable, and under present conditions is certain to increase. Surely it should be prevented by the joint governmental control of irrigation<sup>1</sup> and the use of river-waters in general. Hydro-electrical development likewise is being undertaken on a Provincial basis. Surely it needs super-Provincial co-ordination and co-operation. And the same applies to forestry. India is fortunate in having established a measure of forest-control betimes, but the danger of erosion is peculiarly serious in a monsoon climate, and in some areas in India the same problem of denudation and desiccation which has afflicted Tennessee is already in sight. Wide tracts in Northern India suffer from a ravine-formation which sterilises the surrounding land. In the South the Deccan river-beds for nine months in every year present a picture of great stretches of useless sand. If their waters were properly harnessed, much of this area could be recovered to the manifest advantage of communications and the general welfare of the countryside. All this demands control—control from source to sea, the prevention of deforestation in the highlands, the conversion of the steep river falls into instruments of power rather than destruction, the planning of dams and irrigation in the plains and the regulation of river-courses in general. Such control and the cost of it can only be provided on a Regional basis.<sup>2</sup>

(5) The case for the inclusion of the States in the proposed economic Regions needs no argument.<sup>3</sup> But in the event of their choosing to remain apart, Regional division is so essential for the future welfare of British India that, despite the practical difficulties, it should be carried out, if need be, without the States. A subsidiary but awkward question arises from the fact that the strict application of the river-basin principle would involve the breaking-up of certain groups of States. Of these the most important is the Rajput group. Rajputana, as it happens, has a marked physical and ethnical character of its own, and its units are bound together by a great historical tradition. If on these grounds the disruption of the group should be regarded as impracticable, it could be included as a whole in the Indus Region. But it is not an economic unit, and it would be more natural to allocate the four southern States, which, in any case, have affinities with Gujerat, to the Deccan Region, and the five eastern States to the Ganges Region with which the River Chambal links them.

<sup>1</sup> The prospect of conflicting claims to water-supply among units of the Federation was recognised by the authors of the Act of 1935, and provision for settling them was made in Sections 180 to 184.

<sup>2</sup> Regional control would only extend, of course, to the general planning of irrigation and power-supply as between Provinces and States. Distribution to the consumer is essentially a local question and would have to be dealt with by the Provincial and State Governments.

<sup>3</sup> An interesting illustration is afforded by the great expansion of Bikaner in wealth and population resulting from the agreement it has made (together with Bahawalpur) with the Punjab for the use of the water of the Sutlej.

(6) For present purposes it seems advisable to aim at demarcating the Regions without altering Provincial boundaries. But it is worth noting that the Ambala Division, the exclusion of which from the Punjab has been discussed in Chapter VIII, belongs to the Ganges, not to the Indus basin : it is watered by the Ganges' great tributary, the Jumna. If the Division were included in the Ganges Region, Alwar and Jind States would naturally go with it. The main Sikh areas of the Punjab, watered by the Sutlej and the Ravi, belong to the Indus Region.

(7) The allocation of Orissa is a difficulty. It has a marked individuality of its own. It has no racial or cultural kinship with Bengal or Madras. It possesses its own river-basin or basins. The Mahanadi links it with the Central Provinces, the Brahmani with Chota Nagpur. Far too small to constitute a Region by itself, it could best, perhaps, be attached to the Ganges Region.

(8) Delhi Province would constitute, as now, a separate enclave for the inter-Regional all-India capital.

(9) On the basis of the above arguments and considerations the four Regions might be constituted as follows.

	<i>British India</i>	<i>Indian States</i>
INDUS	North-West Frontier Province Punjab British Baluchistan Sind Ajmer-Merwara	Kashmir N. W. Frontier Agencies and States Punjab States and Hill States Baluchistan States Rajputana, except (a) and (b) below.
GANGES	United Provinces Bihar Orissa	United Provinces States Gwalior Orissa States Central India States east of Gwalior Chhattisgarh States, except (c) below States from Rajputana: (a) Bharatpur, Bundi, Dholpur, Karauli, Kotah
DELTA	Bengal Assam	Bengal States Assam States Sikkim
DECCAN	Madras Bombay Central Provinces and Berar Coorg Panth Piploda	Western India States Central India States west and south of Gujarat States [Gwalior Baroda States from Rajputana: (b) Banswara, Danta, Dungarpur, Palanpur States from Chhattisgarh: (c) Bastar, Chulikhidan, Kanker, Kawardha, Khairagarh, Nandgaon Deccan and Kolhapur States Hyderabad Madras States Mysore Travancore Cochin

The following table shows the area and the population of the Regions.

Delhi Province and the Andaman Islands are excluded. Communities constituting less than 3 per cent. of the total population are also excluded.

	Area (thousands of square miles)	Population (millions)			
		Hindus	Moslems	Tribes	Total
Indus . . .	569.73	21.34	31.90	1.22	61.25
Ganges . . .	311.80	91.89	14.03	9.81	116.55
Delta . . .	156.96	30.66	36.85	5.59	73.50
Deccan . . .	539.25	110.44	11.22	8.77	136.82

If the States were left out and the Regions constituted from British-Indian territory only, the figures would be as follows.

	Area (thousands of square miles)	Population (millions)			
		Hindus	Moslems	Tribes	Total
Indus . . .	218.35	9.38	22.75	0.13	37.08
Ganges . . .	208.20	79.15	13.29	7.07	100.09
Delta . . .	132.39	29.27	36.45	4.37	70.51
Deccan . . .	302.79	72.42	6.61	5.13	87.18

The proportion of Hindus and Moslems is as follows.

	All-India		British India	
	Hindus	Moslems	Hindus	Moslems
Indus . . .	34.8	52.0	25.2	61.3
Ganges . . .	78.7	15.2	79.0	13.2
Delta . . .	41.7	50.9	41.5	51.6
Deccan . . .	80.5	8.2	83.0	7.5

The scheme outlined above seems clearly to deserve consideration for its economic merits alone; but its political implications seem scarcely less important. In the first place Regional division on economic principles confirms the political demarcation of the Moslem 'homelands'. The Indus and Delta Regions correspond with Pakistan and North-East India. Secondly, economic Regional division bisects dominantly Hindu India into two Regions, the Ganges and the Deccan. Though the Hindu majority in India as a whole is reflected in the preponderance of the Hindu over the Moslem minorities, yet a rough balance is established between two Hindu-majority and two Moslem-majority Regions. Does not that suggest that, whether along these lines or along others, an ultimate solution of the cardinal political problem may be found by setting economic factors in the forefront? Might not the pursuit of an economic objective lead also to the political goal? It demands, it is true, a new orientation of ideas. It means a break-away from the ruts in which political controversy has



dragged along for so many barren years. It calls for bold, far-sighted and far-reaching planning. But such planning is the primary need of the modern world. It has already transformed the life of Russia. If Indian statesmen bend their minds to it, might it not transform the life of India?

But, it may be asked, does a due appreciation of economic factors necessitate Regionalism in India? And the questioner might go on to make a case against it on the following lines. (1) All that the Regions purport to do could be done by consultative co-operation between the Provinces, and, that being so, why make this cumbrous addition to the already complicated structure of Indian government? (2) If the autonomy of Provinces and States is to be respected—and this is common ground—the Regions would not have much to do. Would their Governments and legislatures attract able men? Would they in any case inspire the sense of statehood, the patriotism, which admittedly inspires the peoples of the Provinces in a greater or less degree? (3) The economic need for Regionalism is not equally felt in all parts of India. Regional river-basin control, for example, may be needed for the Indus basin, but is it really needed elsewhere?

The answer to the first question will be found in the pages of the *Federalist*, the classic of American unity. Alexander Hamilton's arguments have never been rebutted; for they were drawn from the facts of American experience. Co-operation is not government. It is the method of a League, not of a State. If the conditions are favourable, vital common interests can certainly be handled smoothly and efficiently by discussion and agreement; but to argue that that is the best way of doing it in India is to take a dangerous path—a path that leads on to the Partitionist doctrine that the peace and welfare of India can best be maintained by discussion and agreement between separate independent States.

There is more force in the argument about the sense of statehood, but it does not apply to the proposed Moslem Regions. It is precisely the sentiment of Moslem solidarity and the desire to maintain it on more than a Provincial basis that inspire Moslem separatism. The essence of the Pakistan policy is the creation of consolidated Moslem States in the Moslem 'homelands'. Regionalism chimes with this. It provides a kind of Pakistan. But in the rest of India, it is true, there is no such impulse towards Regionalism. A Ganges Region would recall the ancient Hindustan: there was once more unity in the Deccan also than there is now: but the growth of a Regional patriotism in the Hindu-majority Provinces in Northern India or in Madras and Bombay would certainly be slow.

This point links up with the point that economic Regional control is not so urgently needed in some areas as in others, and, if they were pressed, the answer to them both might be that, however desirable Regionalism might seem to be for the whole of India, it is not a necessity. If the Moslem-majority Provinces formed themselves into Regions in the North-West and the North-East, the Hindu-majority Provinces would not be obliged to follow suit. Love of symmetry may be dangerous for constitution-makers,

and in any case no system of government for all variegated India can be symmetrical. It has already been intimated that the States might be unwilling to participate in a Regional system, and the Hindu-majority Provinces might likewise prefer to dispense with Regional machinery and to trust to consultation and co-operation for dealing with matters which they could not deal with singly and separately. Such a decision might be regretted by disciples of Hamilton, especially if they believed in economic planning, but it would not prevent a semi-Regional arrangement. It would only mean that the Centre would have to rest, as far as British India was concerned, not on four or more Regions but on two Regions and six Provinces. How these differing units might be combined for Central purposes and how Indian India might fit into the structure will be discussed in the next two chapters.

## CHAPTER XI

### AN AGENCY CENTRE

REGIONALISM meets half the Moslem claim. It concedes the first demand of the 'Pakistan Resolution'. It combines those 'geographically contiguous' areas in North-West and North-East India in which the Moslems are in a majority and consolidates them as single political units. It provides the Moslems with national homes which they can call their own. They would be autonomous States, not secondary or subordinate units of administration. The government of the Regions and of the Provinces of which they would be composed would cover almost the whole field of public affairs, including those which most closely and directly affect the daily life of the people.

There remains the second demand, the second clause of the 'Pakistan Resolution'—that these States should be 'independent States', exercising 'all powers such as defence, external affairs, communications, customs and such other powers as are necessary'. If that claim means, as it would normally be taken to mean, that the States are to exercise those powers quite independently and in no way to share them with other States, it cannot be met by Regionalism. For Regionalism is not Partition. It preserves the unity of India. It assumes the establishment of an inter-Regional Centre.

But it would be a Centre of a new kind, different in the scope of its authority and different in the basis on which that authority would rest, from the Federal Centre as previously contemplated in Indian constitutional discussion. The inter-Regional Centre would possess only those minimum powers which it *must* possess if the unity of India is to be preserved at all, and it would exercise those powers not on the direct authority of an all-India electorate but as the joint instrument or agent of the Regions. It would provide the mechanism by which, within that minimal field, the peoples of the Regions could 'share the governance of their common motherland'.

These principles of Regionalism as distinguished from Federalism of the normal type would apply to the Centre whether all its British-Indian units were Regions or some Regions and others Provinces. It will simplify further discussion if the system described is taken to cover both alternatives and if it is also borne in mind that the position of the Indian States at the Centre will be dealt with in the next chapter.

#### I

The Regional conception of the Centre conflicts, of course, with the traditional view that any all-India Government should be as strong as

possible and with the unitarian doctrine hitherto preached by Hindu leaders. But, whatever may be said in favour of that school of thought in theory, it cannot in fact provide a solution of the constitutional problem. It is beside the point to argue that India needs more unity, not less. The choice, it seems evident, lies between a minimum of unity and none: there must be a 'weak' Centre or no Centre. Whether the Moslem nationalists can be brought to agree to an all-India settlement on those terms remains to be seen, but there seems small chance of it on any other.

What, then, are the minimum powers which any Indian Centre *must* possess? They would seem to be those which reflect the unity of India as seen from abroad, those which concern her relations with the outer world: namely, (1) Foreign Affairs and Defence, (2) External Trade or Tariff Policy, and (3) Currency.<sup>1</sup>

In this context Defence means the maintenance and control of only those armed forces which are required for the defence of India against aggression from without. As explained in the preceding chapter, Regionalism would enable the Provinces in any Region to combine their civil and military police forces for the purpose of maintaining internal security if at any time a situation should arise which was beyond the powers of a single Province to control. If these police forces were kept at sufficient strength, the Indian Army would not be needed, as it is needed at present, as an ultimate instrument for preserving or restoring law and order inside India. It would only be used—and the same applies to the Indian Navy and the Indian Air Force—to protect Indian soil from foreign attack.

The control of emigration and immigration is associated with foreign policy and should therefore be vested in the Centre. Naturalisation is similarly linked with foreign affairs and must necessarily be a Central 'subject'. For, if India is to remain a unit in the international world, it must have its 'nationals'. But that would not preclude a Region, if it so desired, from establishing a second 'nationality' of its own.

The provision of the funds required for the control of those three 'subjects' seems a relatively simple matter. The cost of staffing the Centre, of a diplomatic service, of collecting customs, and so forth would not be great. The only heavy item of expenditure would be defence, and the cost of Indian defence before the present war was more or less evenly balanced by the yield of customs revenue. It might be hoped that a similar balance could be maintained under the new *régime*. It would be a matter for consideration whether the Centre should be authorised to levy direct taxation to meet a deficit or whether it should be met by contributions from the Regions on a basis fixed in the constitution. Constitutional provision might similarly be made for the distribution among the Regions of a potential surplus.<sup>2</sup>

Is there anything that *must* be added to these three 'subjects'? The

<sup>1</sup> A uniform currency is a natural complement of a uniform system of foreign trade.

<sup>2</sup> The allocation of Central debt charges would also have to be settled.

most obvious addition is Communications. Central control of railways, air services and coastal sea-traffic, and of wireless, the telephone, the telegraph and possibly the postal service would presumably be necessary in war time or under threat of war; but the assumption of such control might be provided for by an emergency clause in the constitution. In peace time, though plainly more convenient and economical, such control would not be a positive *necessity*; and, if it were desired to decentralise those services, Regionalism would make it practicable. The railways,<sup>1</sup> for example, could scarcely be controlled by the eleven Provinces separately, but four or five Regions *could* control them without greater inconvenience than has long been suffered in Europe and with a greater measure of inter-State co-operation. For all Communications, as for other matters of common concern, inter-Regional advisory boards would doubtless be established, and recommendations for common action could be made by the Central to the Regional Governments.

A student who scans the list of 'subjects' assigned to the Federal Centre under the Act of 1935 will find several others for which Central control would plainly again be more convenient and more economical than decentralisation. It would clearly be waste of money, not to mention the possible shortage of trained personnel, to duplicate several times such existing Central services as the Census or the various scientific surveys and institutions; but duplication would be feasible if it were deemed necessary. There are other 'subjects'—such as industrial development, the regulation of mines and oil-fields, the control of major ports and navigation, firearms, explosives—which, while naturally centralised under a normal federal system, would lend themselves to decentralisation under Regionalism.<sup>2</sup> The Concurrent List, apart from such important 'subjects' as labour-conditions and the prevention of the spread of infectious diseases or pests, is mainly concerned with the system of civil and criminal law. It may be assumed that the whole of this body of law would be taken over as it stands at the outset of the new *régime*. It would become part of the law of the Provinces and Regions and subject to amendment by their legislatures. It is manifestly desirable that the civil and criminal law should be more or less uniform throughout the country, and to that end provision might be made (as suggested by Sir Sikander Hyat Khan) for Central legislation by request. The same procedure might be applied at need to such 'subjects' on the Federal List as banking, corporations, insurance and so forth. But in every case such Central action would only be 'permissive' or by request. The power of the Regions and Provinces to control all 'subjects' other than those few minimal 'subjects' enumerated above would be exclusive and unqualified.

There are some 'subjects'—industrial development and the large-scale

<sup>1</sup> A map showing the main railways will be found at the end of the book.

<sup>2</sup> Regions and Provinces would have to subscribe separately to International Conventions dealing with 'subjects' under their control or authorise the Centre to do so on their behalf.

control of water-power are perhaps the most important—which could better be dealt with by Regions than by single Provinces. If the Hindu-majority Provinces should prefer not to adopt a Regional system, this would be the field in which inter-Provincial consultation and collaboration would be most needed.

Thus it appears that, if the maximum of decentralisation and the minimum of centralisation are desired, it would be possible, though with regard to some matters it would be cumbrous and costly, to reduce the Central authority, except in the emergency of war, to the control of foreign and defence policy, tariffs and currency. In the governance of that limited field the Regions *must* share their powers if the unity of India is to be preserved.

## 2

On what principle and by what mechanism might power in this field be shared?

An inter-Regional union for the joint management of foreign affairs, defence, tariffs and currency might be described as a loose Federation; but it will clarify the discussion to get away from the terms and ideas of Federalism—for two reasons. (1) In the first place, Federation in practice has been concerned with relatively weak political units. An American State, a Swiss Canton, a Canadian Province could not easily maintain itself in complete independence. The process contemplated in India under the Act of 1935 was a process of transferring power from a strong unitary Centre to Provinces which nobody supposed could stand on their own feet in the world. But Regionalism introduces a new idea or new logical sequence. It first divides India into a number of great States which *could* be wholly independent. Some of them, as has been seen, would be relatively poor and weak, but they would not be the poorest or the weakest States in the international world. Next, those States decide to share their power for certain common purposes. (2) In the second place, all existing Federations are so devised as to combine the principle of national unity with the principle of local autonomy. All their legislatures are elected partly to represent the units and partly to represent the people as a whole. This precedent was followed by the Indian scheme of 1935. But there is no such dual principle in Regionalism. The Centre is a purely inter-Regional institution. Its authority rests solely on the Regions which could in theory exercise all the powers of government separately on their own account, but have decided to share some of them.<sup>1</sup> Thus the Centre would be regarded as an agency: the members of its executive and legislature would act as agents of their Regions.

<sup>1</sup> This analysis would not fully apply to a semi-Regional, semi-Provincial system, since some of the Provinces could scarcely be as completely independent States in theory as Regions could. But the principle would be the same. A non-Regional Province would possess the same autonomy *vis-à-vis* the Centre as a Region would, and it would come to the Centre in the same way, not under the compulsion, so to speak, of a single Indian nationhood, but as an autonomous 'country' freely desiring to share with other autonomous 'countries' in the management of certain common affairs.

Sir Sikander Hyat Khan made this point clear when he explained his Regional scheme in the Punjab Assembly.<sup>1</sup>

We should try to devise an agency which would be set up with the consent of the units and administer at the Centre subjects of common interest such as customs, currency, defence and foreign affairs. . . . The Centre thus constituted will not be a demineering hostile Centre looking for opportunities to interfere with the work of Provincial<sup>2</sup> Governments, but a sympathetic agency enjoying the confidence and support of the Provinces<sup>3</sup>—a body set up by the units to control and supervise the Central administrative machinery and to see that the work entrusted to it by the Provinces is carried on efficiently, amicably and justly. You can call it the Central Government or a Co-ordination Committee or call it by any other name you like. But, as I have said, if you face the facts squarely and examine the problem dispassionately, you cannot but come to the same conclusion as myself that a Centre agreed to by the various interests of their own free will would be a much stronger Centre than one arbitrarily superimposed and composed of individuals elected independently of the Provincial<sup>4</sup> legislatures or governments. The latter type will not work smoothly or even justly for the simple reason that there will be a perpetual tug-of-war between the Centre and the units.

Such a phrase as 'Co-ordination Committee' might suggest that Sir Sikander was not contemplating a real Government at the Centre,<sup>5</sup> but only some such mechanism of consultation and co-operation as would be appropriate to a Confederacy. But Regionalism, it may be stressed again, goes further than a Confederacy. The latter is only a league, only a kind of alliance. It possesses no power or authority of its own. The decisions on which the units are agreed must be executed by the units at their expense. An inter-Regional Centre, on the other hand, would be a Government. It would give its own orders to its own soldiers and officials. It would pay its own way. An inter-Regional union, in fact, would occupy a middle position. It would be more than a Confederacy, but less than a normal Federation.<sup>6</sup>

<sup>1</sup> *Official Report*, vol. xvi, no. 8, March 11, 1941.

<sup>2</sup> This passage reads as if the Provinces rather than the Regions were the units combining at the Centre; but there is no real confusion. As will be seen presently, the scheme contemplates the representatives of a Region at the Centre being chosen primarily as representatives of the Provinces and States comprising the Region.

<sup>3</sup> The late Sir Sikander Hyat Khan was good enough to discuss his scheme with the author of this Report in 1942. Questioned as to whether he meant a real Central Government, possessing its own power and authority, Sir Sikander emphatically answered 'Yes'.

<sup>4</sup> At first sight there seems to be a precedent for a midway union in the Hapsburg Empire which fell to pieces in 1919. But in fact the Austro-Hungarian *Ausgleich* was much nearer to a Confederacy than to a Federation, and the ultimate basis of its unity was the fact that the Emperor of Austria was also King of Hungary. The *Ausgleich* operated through a joint legislature and executive. The legislature consisted of separate Austrian and Hungarian chambers which debated and (except in a case of deadlock) voted separately, and made separate laws in an agreed identical form. Thus the tariff, the railway system, and currency were regulated by concurrent statutes, and treaties were similarly ratified by the Austrian and Hungarian Parliaments separately. The executive consisted of 'joint Ministers' for Foreign Affairs, War and Finance, appointed by the Emperor-King and theoretically, but not in fact, responsible to the joint legislature. The 'joint army' was recruited and maintained by separate decisions of the legislative chambers, but the regulation of its 'management, conduct, and internal organisation' belonged 'exclusively to the Emperor' (Austrian Law of 1867, section 5).<sup>6</sup>

How would the legislature and executive of the inter-Regional Centre be constituted and how would they operate?

In Sir Sikander Hyat Khan's scheme the method for constituting the legislature was simple. It was to be unicameral and to consist of all the members of the Regional legislatures sitting together. Since representation in those legislatures was to be based, as has been seen, on the provisions of the Act of 1935 for the Federal Assembly, their communal composition would be reflected at the Centre. One-third of the Central Assembly would thus be Moslems, and the proportion allotted to other communities would be similarly determined by the scheme of 1935. So would the balance of two to one between Provinces and States. The new Assembly, in fact, would be a replica of the Federal Assembly projected in 1935. It would have the same number of members—375—of whom 250 would come from the Provinces and 125 from the States.

Two objections may be urged against this plan. (1) First, it would surely be difficult for the same persons to be members both of a Regional and of the Central legislature. Urgent questions might arise and critical decisions have to be taken in both fields at the same time. (2) Secondly, a replica of the 1935 Assembly would surely be too large. The scope for legislation or for discussion of administration in the inter-Regional legislature would be very narrow. Even if Communications and one or two other 'subjects' were added to the minimum of three, it would still not have much to do. Foreign affairs and defence are not normally matters of constant innovation or revision. The essential quality of a currency policy is stability. The 'subject' most likely to excite controversy and to take time would be the tariff, and it is not good for trade to alter tariffs frequently. Clearly the activities of the legislature would be severely limited, and surely, therefore, its size should be limited too. Since 'Assembly' suggests a relatively large body, a better title might be 'Council', the 'Council of India'.

The idea, indeed, of reproducing the Federal Assembly as planned in 1935 seems basically mistaken. For it violates the primary principle of Regionalism. That Assembly, it is true, was intended to embody the federal idea: its members were to be chosen by the Provincial Legislative Assemblies and the States Governments.<sup>1</sup> But it was to be associated with a second chamber whose British-Indian members were to be chosen on the unitary principle of direct election by general constituencies. And the Federal legislature as a whole was conceived as continuing to play the rôle allotted to its predecessor in the sanguine days of 1919. It was to be a great all-India Parliament, reflecting the strength and aspirations of Indian nationalism. But that is precisely what an inter-Regional legislature would not be. The Regional idea recognises that the ideal of a single Indian nationhood has yet to be attained. The inter-Regional legislature would reflect the separate nationalisms of the Regions represented in it.

<sup>1</sup> For the controversy on this issue, see Part I, 117-18, 133, 138, 142.



It would be beyond the scope of this Report to consider in detail how the legislature should be constituted so as to accord with the Regional idea and with the amount of work it would have to do; but one or two general considerations may be suggested. (1) Its members should not be members of any other legislature. (2) The number of them should be the same from each Region, and should not exceed the minimum required to give adequate representation to its component units. (3) They should derive their authority from and be responsible to their Regions. They might be elected by the Regional legislatures, and on a system devised to secure that the Provinces and States were fairly represented.

In a semi-Regional system the representatives of the non-Regional Provinces would be elected by and responsible to those Provinces. To maintain the balance of the system it would be necessary that the number of Provincial representatives should be the same as if the non-Regional Provinces had in fact combined in Regions. Thus, if the river-basin principle were taken as the basis of division, the total number of representatives from the six Hindu-majority Provinces would be the same as it would have been if they had formed themselves into Ganges and Deccan Regions.<sup>1</sup>

So much for the constitution of the legislature. As to its operation, the same kind of 'safeguards' might be adopted as those discussed in previous chapters for the Provincial and Regional legislatures. Sir Sikander Hyat Khan suggested 'a two-thirds or even a three-fourths majority' for decisions on communal administrative questions,<sup>2</sup> and the same 'safeguard' could be applied to legislation. But in either case the possible difficulty of determining whether a communal issue were in fact involved, must not be overlooked. A second chamber as a means of further protection for minorities seems unnecessary.

## 4

Next the executive.

If the scope of the Centre were limited to the minimal three 'subjects', only a few departments would seem to be required. The joint 'subject' of Foreign Affairs and Defence would naturally be divided, but a single Finance department could handle both tariff policy and currency. In view of the relatively narrow field of business it may be assumed that the Prime Minister would be the head of a department, say the Foreign Office. If, as seems probable, Communications were also a Central 'subject', four departmental Ministers would form the kernel of the Cabinet. One or two Ministries without portfolio might be added.

The arguments urged in Chapters VII and X in favour of statutory coalition Governments in the Provinces and Regions clearly apply with full force to the inter-Regional executive; and up to a point the precedent of the Swiss constitution would once more seem applicable. (1) The Prime

<sup>1</sup> Compare the Punjab Committee's proposal in 1928 (p. 118 above).

<sup>2</sup> *Punjab Legislative Assembly Debates*, vol. xvi, no. 8, March 11, 1941, p. 855.

Minister and his colleagues might be elected by the Legislative Council to hold office for the same term of years as the Council. They would have to depend, like the Swiss executive, on securing a majority in the Council in order to carry the legislation they desired; but they would not be responsible to the Council for their administration from day to day. (2) The Swiss plan might similarly be adapted to secure an even distribution of executive posts among the Regions. It might be provided that at least one post and not more than two should be allotted to each Region. In a semi-Regional system the Provinces not constituting Regions could be grouped as Regions for this purpose.

The principal features of the Swiss constitution would thus be retained, but certain variations from the Swiss model might seem desirable on other points. The Prime Minister, for example, might hold office for the whole period and not for one year only. It might also be provided that he should be alternately a Hindu and a Moslem. The same plan might be adopted for dealing with personal deadlocks as that suggested for the Provinces in Chapter VII.

It has been assumed in the preceding paragraphs that a separate legislature and executive would be required, but it seems just worth consideration whether that would in fact be so. Would it not be simpler and more economical, it might be asked, to revert to the old Joint Council, exercising both the legislative and the executive function, which existed in the early days of the British Raj?<sup>1</sup> The scope for legislation, as has been pointed out, would be small, and the range of debate would be narrowed by the fact that the participants would be acting not as independent or party politicians but as the agents of their Regions. Would it be impossible for one fairly small Council both to control administration and to enact the laws?

## 5

A Central legislature and executive imply a Central judiciary, and it may be assumed that, if an inter-Regional Centre were established, it would have its Supreme Court. Its powers would be similar to those of the existing Federal Court. It would interpret the law of the constitution. It would deal with issues of legal right between the Centre and the Regions and between the Regions and the Provinces. It might also hear appeals from the High Courts of the Provinces and States and, if they were established, of the Regions. The vital importance of its function as guardian of the constitution has been intimated in Chapter VI.

It would seem natural to compose it of one judge from each Region. For this purpose again, in a semi-Regional system the non-Regional Provinces could be grouped as Regions.

## 6

Assuming for the sake of discussion that the inter-Regional Centre were to be constituted and to operate on the lines suggested in the preceding

<sup>1</sup> Part I, 20.

pages, it remains to consider how it would affect the communal problem.

It might be hoped that the conduct of Ministers and Members of Council at the Centre would be determined by no narrower considerations than the interests of the great 'countries' they would represent; but, if communal allegiance were still to be, for a time at any rate, the dominant force in politics, would the new system offer a better chance of co-operation and concord than the federal system of 1935?

It would depend, of course, on the kind of communal balance established at the Centre. That would not be a question of the precise numbers of Hindus and Moslems and members of other communities in the legislature. For it is the cardinal principle of Regionalism that the members of the Central legislature are not independent in the same sense as members of normal Federal legislatures are independent. Under a Regional system there would be no 'national' element in the process of their election. They would represent the Regions, and the Regions only. They would be in fact the delegates or agents of the Regions under mandate from their Governments and legislatures. On any important issue they would all have to vote accordingly. The same would apply to the representatives of non-Regional Provinces in a semi-Regional system. Thus the communal balance in the Central legislature would not be a balance between the opinions of individual members or parties but a balance between the policies of the Regions (or of the Regions and non-Regional Provinces). Would such a system provide a more acceptable application of the communal 'balance theory'?

Under Sir Sikander Hyat Khan's Seven Regions scheme it would not. Only two of his seven Regions would have a Moslem majority, and this disproportion would not be affected by giving the Moslems 'weightage' at the Centre. For at an inter-Regional Agency Centre, it may be repeated, it is not the communal make-up of the legislature that would matter, but only the communal complexion of the Regions. Thus, from the Moslem standpoint the scheme would not improve the present inter-Provincial balance of 7 to 4, it would worsen it.

That consideration would alone be sufficient reason for trying to devise a different plan of Regional demarcation. If the proportion of Hindu-majority to Moslem-majority Regions were 8 to 2, it would palpably be more favourable to the Moslems. It would be still better, of course, if the economic principle of the river-basin were adopted as the basis of demarcation; for the result of that, as has been seen, would be a proportion of 2 to 2. Is it conceivable that the leaders of the great Hindu community, comprising as it does three-fifths of the Indian population, could acquiesce in some such method of preserving the unity of India? It would mean the dissolution of a dream—the dream of a single Indian nationhood brought into being within the lifetime of men now living, and manifesting its national unity in a powerful all-India Government and a full-scale all-India Parliament. But that dream has already proved a fantasy. The authors of the Act

of 1919 hoped that in equipping India with a relatively strong Central executive and a great national legislature they would hasten the growth of Indian nationhood. It was part of their act of 'faith'.<sup>1</sup> But a tender plant may be killed by forcing it, and the course of events since 1919 has brought India to the verge of disruption. Can it be questioned now that, if the unity of India is to be maintained at all, it cannot be maintained on the lines of 1919, or even on the lines of 1935? And, if a practicable alternative could be found in Regionalism or some similar system, ought not the Hindu leaders to pause and ponder before they cast it aside and find themselves confronted with Partition? Patience, as the greatest statesmen have always known, is the queen of political virtues, and it is clear enough now that, if the peoples of India are ever to become one nation, it will take time. Yet, if once a Hindu-Moslem settlement could be attained, if once the primary check on the physical and material forces which make for Indian unity were overcome, if once the representatives of the two dominant communities were to find themselves working together day by day in the common service of India, the time might well prove shorter than seems possible in present circumstances. A new age of faith might dawn, and the dream come true in the end. Blind pessimism is as foolish as blind optimism, and it is not a demonstrated certainty that Hindus and Moslems, while keeping their different characteristics as the different Swiss or Canadian nationalities keep theirs, can *never* become conscious of an Indian nationhood as real as that of Switzerland or Canada. If union on any terms *now* might make that ultimately possible, ought Hindu statesmen to refuse to pay the price of it? 'Magnanimity in politics', said a famous friend of India, 'is not seldom the truest wisdom.'

For Moslem statesmen also it would be difficult, no doubt, to acquiesce in such a compromise as that embodied in a Regional or any similar scheme. But would it be so difficult? Regionalism, it is true, does not satisfy the Moslem claim on one point. It does not concede *full* independence to the Moslem States. But it meets the claim on every other point. It accepts the 'two-nations' principle. It establishes the Indian Moslem nation in a national State or States. It recognises that those States, whatever their size or population, are equal in status with the Hindu States or groups of Provinces. It does not violate their independence, but it enables them, by means of their own chosen agents, to share their powers in a minimal field with the other States. Is a Centre of that kind intolerable? It is true that there is something formidable about the existing Centre, something that seems to threaten local freedom. It has inherited an imperial character from the Mogul Empire it succeeded. And that is why the Moslems refuse to let it pass, even in its prospective federal shape, under Hindu domination. But it is difficult to regard such an inter-Regional Centre as has been outlined in this chapter as the throne of a 'Hindu Raj', and it would be difficult, too, for an expectant world to understand the motives

<sup>1</sup> *Ibid.*, 55.

of Moslem statesmen if the Hindue should acquiesce in some such settlement and they for their part should continue to insist on a complete—it might prove to be a final—disruption of Indian unity.<sup>1</sup>

There seems, indeed, to be only one argument—and it has occasionally been heard in recent controversy—that can be used to justify so desperate a decision. 'It is no good', it is said, 'bringing Hindue and Moslems together at any Centre, however constituted and for whatever purpose, because they can never agree.' But, apart from its fatalism, that argument seems to ignore two facts. The first fact is that Hindue and Moslems will be intermingled in the separated States after Partition as before it. If they cannot agree at a Centre, how can they agree in the States and thus make good the separatist claim that Partition will solve the communal problem? The second fact is that Partition would not transfer the Moslem States to the moon: they would remain in India; they would lie alongside Hindu States. Thus the final answer to this final argument is the plea which Abraham Lincoln made to the Southern States on the eve of the Civil War.

Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impaseable wall between them. A husband and wife may be divorced, and go out of the presence and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face, and intercourse, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you cannot fight always; and when, after much loss on both sides, and no gain on either, you cease fighting, the identical old questions as to terms of intercourse are again upon you.<sup>2</sup>

The plea was not heard. The war came. But after years of bitter disharmony and ill-will the national unity of the American Commonwealth was restored. That recovery was possible because the Americans who had fought each other were not too deeply divided. Their language, their religion, their race to a large extent, were the same. Their quarrel was the outcome of a dispute about slavery, and slavery was dead. But in India what is not conceded to reason can never be won by force. The unity of India can only be saved by statesmanship; and, if the Hindus give the lead in statesmanship, will the Moslems fail to follow?

<sup>1</sup> The argument advanced by Mr. Jinnah at the League Session in April 1948 (see p. 8 above) that a Centre of *any* kind is bound to enlarge its powers and destroy the autonomy of the Provinces cannot be seriously pressed. If it is provided that the law of the constitution, strictly limiting the Centre's powers, can be enforced in the Courts and can only be altered with the consent of a majority in the Provinces or chief minority communities, then to assert that the Centre will necessarily trespass on Provincial rights is to deny the validity of any constitution and any law. On such assumptions a Partition settlement would be equally invalid.

<sup>2</sup> *Speeches and Letters of Abraham Lincoln* (Everyman's Library), 172.

## CHAPTER XII

### THE CHOICE BEFORE THE INDIAN STATES

#### 1

THE preceding chapters have been mainly concerned with British India and with the possibilities of a Hindu-Moslem settlement. Such a settlement is the first thing needed if India is to obtain its freedom without losing its unity. But there is another obstacle to be overcome, second in its importance and difficulty only to the communal schism—the division between British India and the Indian States.<sup>1</sup>

All the arguments for maintaining the unity of India which may be pleaded against Moslem claims for Partition apply with at least equal force to the States. And, until very recently, most of the States' Rulers, like the Moslem leaders, while identifying themselves with Indian aspirations for an equal national status with that of other nations, took it for granted that the free India of the future would be a single all-India federation. But, like the communal schism, the division between British and Indian India has been accentuated by the growth of nationalism and the development of self-government in British India: for the nationalist movement has also been a democratic movement, and the greater the constitutional advance in the Provinces, the sharper has been the contrast with the autocratic régime of the States. This did not in itself preclude a federal union of all India, since a federation does not require that its component units should have the same internal form of government; and once again it must be regretted that all the labour given by British and Indian statesmen to produce the federal part of the Act of 1935 proved in the end abortive. It did not satisfy the more radical Indian nationalists; it was a compromise between nationalism and democracy; but at least it provided a *modus vivendi* which, if once it had come into operation, would have enabled Provinces and States, like Hindus and Moslems, to work together as one nation for national purposes; and it is a reasonably safe assumption that such collaboration would have tended not only to mollify communal antagonism but also to hasten the process of constitutional evolution in the States. But the Congress leaders, headed by Pandit Nehru and backed on this issue by Mr. Jinnah, were not content with an evolutionary process. The immediate and complete democratisation of the States was to be part of the great revolution by which all the peoples of India would obtain their freedom both internal and external at one stroke. Democrats cannot quarrel with the principle at stake, but they can question the wisdom of the policy.

<sup>1</sup> This chapter is not concerned with the numerous little States which seem destined sooner or later to be absorbed in larger units. This process of absorption has recently been begun, rather tardily, in Western India and Gujerat. For details see Appendix V, p. 208 below.

For the method of revolution is the method of force, not of compromise and consent, and India cannot achieve a real and lasting unity by force. As it was, the Congress policy was one of the main causes of the Princes' recoil from the Act of 1935<sup>1</sup> and, when at the end of 1938 the Congress leaders launched their campaign of agitation in the States, side by side with their 'mass-contact' movement for absorbing the Moslems of British India into the ranks of the Congress,<sup>2</sup> the result in each case was to make the attainment of an all-India union by agreement still more difficult. For it was as clear to the Princes as it was to the Moslems that the ultimate objective of Congress policy was a Congress Raj. 'The Congress', said Mr. Gandhi in 1938, before the campaign was started, 'bids fair in the future, not very distant, to replace the Paramount Power'; and though, after it had achieved some results in several States, the agitation was called off, Mr. Gandhi did not abandon his belief that the Princes must sooner or later accept the policy dictated by the Congress 'high command'. On the eve of the rebellion of 1942 he urged them to come to terms with him. 'When I am gone', he said, 'Pandit Jawaharlal Nehru will have no patience with you.'<sup>3</sup>

The prospect of a Congress Raj had precisely the same effect on the Princes as it had on the Moslems. It pushed the idea of Federation still farther into the background and it brought the idea of Partition to the front. The notion that British India might attain Dominion Status and Indian India follow a separate path had hitherto been more or less academic. If the possibility of Partition on those lines had figured in constitutional discussion, it was only as an answer to the argument that the advance to Dominion Status would be blocked if the Princes refused to share in an all-India system of government. That such a Partition should actually come about was no more seriously contemplated a few years ago than Pakistan. In both cases it has been the Congress attempt to force the pace that has brought the disruption of India into the field of practical politics. But the reaction of the Princes to Congress policy is different from the Moslem reaction in two respects. (1) First, the reason for it is not the same. The communal issue is an important factor in it because about 12½ millions or 13·4 per cent. of the total population of the States are Moslems, and so are the Ruler and the governing class in Hyderabad, the premier State, and in a few other States. But the dominant issue is not communal, it is constitutional. The Princes interpret a Congress Raj—and Pandit Nehru's speeches have given some warrant for it—as meaning the immediate abolition of all their princely prerogatives, if not the conversion of their States into republics. (2) Secondly, the attitude of the Princes to Partition is much more hypothetical or provisional than that of the Moslem League. Mr. Jinnah has pushed his case to its extreme. He does not merely say that Partition is forced on the Moslems as the only means of escaping a Congress Raj: he demands it as a good thing in itself, as the only way, indeed, of satisfying

<sup>1</sup> Part II, 4-6.

<sup>2</sup> *Ibid.*, chap. xvi.

<sup>3</sup> *Ibid.*, 98.

Moslem nationalism and bringing about communal peace in India; and he propagates this doctrine with all the resources at his command. The Princes have been more reserved and reticent. They have not said they want Indian India to be separated from British India. Their spokesmen, indeed, have only made one public reference to the possibility of Partition in that form—in the course of the Cripps Mission—and on that occasion it was not they who raised the issue. It had already been raised by the Draft Declaration. For the British Government had realised that the course of events since 1935 had given practical force to what had hitherto been an academic argument. The federal part of the Act of 1935 would have come into operation as well as the Provincial part if the leading Princes had so wished. In effect they vetoed the Federation, and the Draft Declaration nullified that veto power by extending the option of non-adherence to the projected constitution to the States as well as to the Provinces. Thus a States Partition had become as live an issue as Pakistan. It is conceivable, however, that the spokesmen of the Princes might have made no comment on this proposal if they had not felt obliged to do so by the fact that the Draft Declaration, in applying the principle of non-adherence, differentiated between the Provinces and the States. It promised non-acceding Provinces, should they desire it, 'the same full status as the Indian Union'; but as regards the States it only said that, whether a State adhered to the new constitution or not, it would be 'necessary to negotiate a revision' of its Treaty arrangements, so far as this may be required in the new situation'.<sup>1</sup> In fact there was little substance in this discrepancy. The Draft Declaration was primarily concerned with British India: its immediate purpose was to induce British-Indian party leaders to agree to take part in the existing Central Government in which the States have no place: the main reason for propounding the scheme for constitution-making was to make such an agreement easier. It was not unnatural, however, that the Princes should call attention to the discrepancy; and the resolution submitted by the Indian States Delegation to Sir Stafford Cripps asked that it should be corrected. Non-adhering States, or a group of States, it said, 'should have the right to form a Union of their own, with full sovereign status in accordance with a suitable and agreed procedure devised for the purpose'.<sup>2</sup> In other words such States should be entitled, equally with non-adhering Provinces, to constitute a Dominion or Dominions.

Thus far and no further have the States' representatives moved in the direction of Partition. They have not said they desired it. They only criticised the Draft Declaration because it did not explicitly offer them the choice of it. The Working Committee of the Moslem League, on the other hand, condemned the Draft Declaration outright because it did not accept Partition *a priori* as 'the only solution of India's constitutional problem'.<sup>3</sup> It would be a mistake, however, to suppose that, because the attitude of the States on this issue is so much more tentative than that of the League, a

<sup>1</sup> Part II, 886.

<sup>2</sup> Cmd. 6850, p. 16.

<sup>3</sup> *Ibid.*, 19.



States Partition is a much less serious possibility than Pakistan. The States may regard the prospect very differently from the League; but there can be no doubt that they would insist quite as firmly on disrupting India rather than accept an all-India system of government which overrode their rights and put them at the mercy of the Congress and its 'high command'. Nor would it be reasonable on the British Government's part to rule that out. It has given no public answer to the request made to Sir Stafford Cripps; but, having acquiesced in the possibility of Pakistan, it could scarcely refuse to acquiesce in the possibility of a States Dominion. Since the States can no more be compelled than the Moslems to submit to an all-India system of government framed without their agreement, the option of Partition in both cases is the only means of avoiding a potential deadlock.

## 2

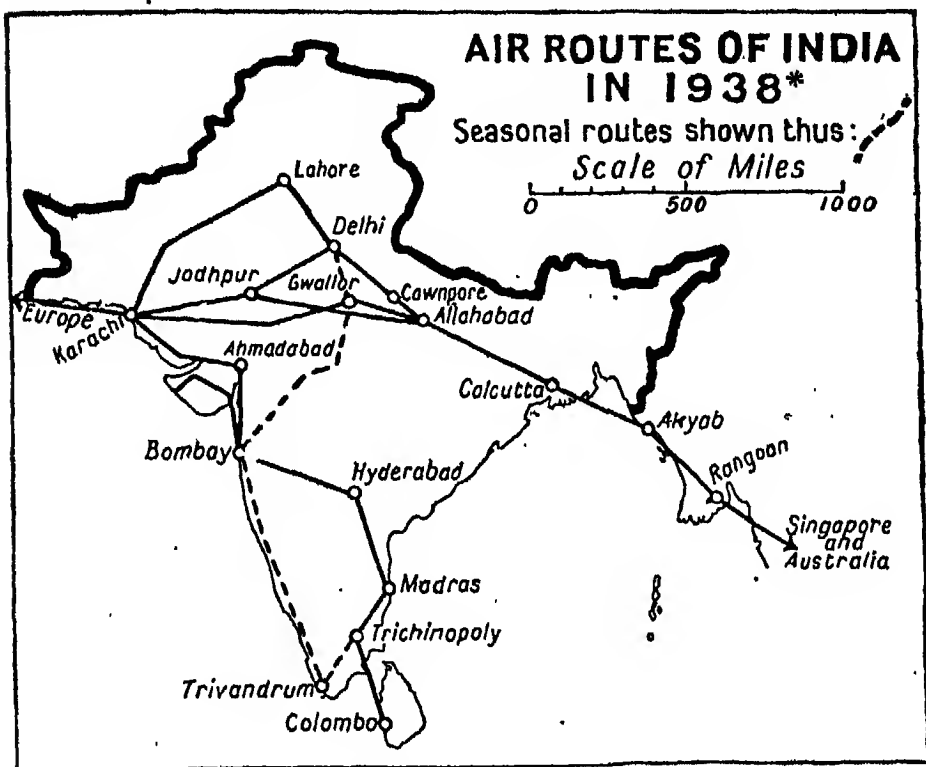
What, then, are the prospects of a States Dominion?

(1) It should be observed, in the first place, that the partition of India by the creation of a separate States Dominion would not be so drastic a change in the existing situation, so disruptive of an existing unity, as the partition of British India between Moslem and Hindu Dominions. Indian India has always been separate from British India. They come together at the Centre, but on quite a different footing. The domestic autonomy of the States is more complete than that of the Provinces, enlarged though the latter has been by the Act of 1935; and, as a corollary to this freedom from Central control, the States have no place in the Central executive or legislature, which are those of British India only. Thus the creation of a States Dominion would involve a less radical alteration of the present structure than Pakistan. It would complete and confirm a division which already exists.

(2) The area covered by the States is about two-fifths of India, and their aggregate population is about 98 millions. But, just as all the 94 millions of Indian Moslems could not be included in a Moslem Dominion or Dominions, so all the States could not be included in a States Dominion or Dominions. Their territories are interwoven with those of British India, and it would be impracticable to maintain small enclaves of one Dominion in the heart of another. There is one great block, however, of contiguous State territory, stretching from Sind and the Punjab to the Gulf of Cambay and the Central Provinces, which forms a compact area, over 600 miles broad each way, with access to the sea at the ports of Cutch and Kathiawar. Its population is about 80 millions. Here, it might be argued, are the makings of a Dominion comparable with Pakistan.

Less than 100 miles to the south of this block lies the north-west corner of Hyderabad. The gap between Hyderabad and Mysore is still narrower, and from Mysore to Travancore is less, again than 100 miles. The area of Hyderabad is roughly 80,000 square miles, of Mysore 80,000, of

Travancore 7,000. Their populations are about 16, 7 and 6 millions. They are only separated from each other, and Hyderabad from the northern block, by twenty minutes or less of flying-time. Despite the breaks of contact by land, could they not form, it might be asked; a single Dominion? Alternatively, Hyderabad, Mysore and Travancore could stand on their own feet as separate Dominions. The smallest of them has thrice the population of New Zealand. In the North lies Kashmir with a population of over 4 millions and the Punjab States close by.



(8) The strategic position of such a Dominion or Dominions would be stronger than that of Pakistan or North-East India. They would be less exposed to attack from outside India, and within India they would stand solidly athwart all the main lines of communication by rail or air.<sup>1</sup> It seems probable that a States Dominion Government would desire to negotiate with the British Government a similar defence treaty to that which (as will be suggested in the next chapter) might be negotiated between an

<sup>1</sup> See Railway Map at the end of the book.

\* This map and the Economic Map at the end of the book are based on maps drawn by Messrs. George Philip & Son and published in *The Times Trade and Engineering Supplement* for April 1939. The author's acknowledgments are due to the Editor of *The Times* for permission to use the maps and to Messrs. George Philip & Son.

all-India Dominion and Britain. It might also ask for British assistance in the development of its armament and other industries.

(4) The economic outlook would not be discouraging. As in the rest of India, the great majority of the population in all the States is agricultural. In Rajputana, except in the irrigated area of Bikaner, agriculture is backward. Kathiawar grows a substantial amount of cotton and rice. So does Baroda. Hyderabad produces over half a million bales of cotton a year, one-fifth of the total ground-nut crop of India and a great deal of wheat and rice, and the acreage under millets is the second largest in India. Mysore produces about half the total amount of coffee produced in India and also cotton, ground-nuts, sugar, rice and rubber. The outstanding products of Travancore are coconuts, tea and rubber. In industry Mysore had taken the lead by 1939 with its gold-mining and the hydro-electric development associated therewith and with some thirty other major industrial concerns, including iron and steel, cotton, silk and sugar. Baroda was one of the first States to develop industries, and in 1939 possessed a wide range of them, including textiles, chemicals, iron manufacture, cement, sugar, matches and china clay. Cotton, engineering, tobacco, stone-dressing and matches were the chief industrial items in Hyderabad. There was less development northwards, but Indore and Gwalior had cotton mills. In all or almost all these States old industries have been expanded or new ones established during the war, in some of them on a considerable scale. Thus it may be said that the economic situation of this group of States is as good as that of any other area in India which might conceivably constitute a Dominion or Dominions, both in the variety of its production and in the balance between industry and agriculture. It would compare not unfavourably with Pakistan.

(5) Sufficient information is not available for estimating the financial position of a States Dominion or Dominions with any certainty. But, given the economic possibilities outlined above, there seems no reason to suppose that they would be unable to pay their way. The chief States already maintain military forces from their own resources, and, owing to their relatively sheltered geographical situation, the additional burden of defence involved in their change of status would be much less than in the case of Pakistan.

(6) Lastly, it might be argued that the complete separation of the States from the rest of India is the best way to preserve their princely governments. Associated, however loosely, with democratic Provinces, the States would be more exposed to subversive agitation engineered outside their borders, and their governments would be unable to deal with it as firmly as they could if they were wholly separate.

If a case can be made for a States Dominion, what are the considerations that weigh against it?

(1) In the first place the reason for Partition, the principle on which the unity of India is to be broken, is much less substantial in the case of

the States than in that of the Moslems. It is not a question of religion. There are no cultural differences between Indian and British India. The peoples of the States cannot claim, as the Moslems claim, to be in any sense whatever separate nations. The only difference is historical and political. Historically, the States, unlike the Provinces, were not conquered and annexed: their soil is not British soil, their people are not British subjects. Politically they have maintained the old Indian tradition of monarchy, and, though the *régime* is no longer so purely autocratic as it used to be, it is still very different from that of the Provinces standing on the threshold of complete popular government. But there is not so much in those two points of difference as might appear. The historical argument can be overdone. The freedom of the States from subjection to foreign rule has only been relative. The Paramount Power interferes even in their domestic affairs if sufficient cause arises. It entirely controls their external affairs. All India in some degree has been under the British Raj. Nor is there much substance in the political difference, for the simple reason that it is not static. If democracy continues to be the dominant political philosophy of the world at large, it is reasonably certain that the process, which has already begun, of developing representative and responsible government in the States will steadily continue; and, if and when it culminates in constitutional monarchy, the political difference will have virtually disappeared. Conversely, if an anti-democratic reaction should set in, or if in any case, as some observers prophesy, the trend of politics in the rest of India were to be towards some more authoritarian form of government than parliamentary democracy, the difference with the States would be similarly narrowed. It is difficult to justify the disruption of India on so unstable a basis of division.

(2) It is plain, in the second place, that most of the arguments against Pakistan apply to a States Dominion. The economic argument in particular is equally valid. Whatever the possibilities of economic development in a States Dominion, it would always be subject to serious handicaps. There are ports in Kathiawar, Cutch, Travancore and its little neighbour Cochin, but Hyderabad and Mysore have no access to the sea. Trade even between these two States, relatively so near each other, would be obliged, like trade between any of the States and the rest of India, to cross an international frontier. Reciprocal arrangements would, no doubt, be made as regards customs-duties and freight-charges since the States lie across the trade routes of the rest of India. But, beyond all question, the economic prospects of the States, like those of the Moslem 'homelands', would be brighter if they were part of a single well-balanced free-trade area.

(3) Thirdly, the argument that the Princes' prerogatives would be safer in a States Dominion than in a united India has its converse side. To insist on Partition for that reason would not only be a challenge to Indian democracy: it would also be a challenge to Indian nationalism. However firmly the Government of a States Dominion might deal with internal agitation, it

would be impossible to prevent its being prompted and inflamed from outside. 'Hopes and aspirations', wrote the authors of the Montagu-Chelmsford Report twenty-five years ago, 'may overleap frontier lines like sparks across a street.'<sup>1</sup> And such agitation, no longer checked as it is now by the laws of British India, would be far more dangerous if its promoters could maintain that the national destiny of India had been thwarted by the Princes' refusal to share their power with their peoples.

## 8

Whether the States agree to combine with British India in one Dominion or whether, failing agreement, they form a Dominion or Dominions of their own, the relationship of their Rulers with the Crown will in either case be changed. For it is the essence of Dominion Status that a Dominion's system of government contains no element of subordination to any external authority. Plainly the British Government could not continue to control the foreign affairs of the States. Nor in a Dominion could it exercise the other rights and duties of the Paramount Power. Paramountcy and Dominion Status are manifestly incompatible. Whether in a united or in a partitioned India, Dominion Status means the end of the treaty system.

For that reason, despite the terms of the resolution submitted to Sir Stafford Cripps, it seems to be by no means certain that, if the Princes were to find it impossible to come to an agreement on the constitution of a united India, they would want Partition in Dominion form. They might prefer not to constitute a Dominion or Dominions, but to retain their present status as principalities under British suzerainty. They would desire, no doubt, a modification of their present relations with the Paramount Power. They would ask, as they have asked before, for a precise definition of Paramountcy.<sup>2</sup> They would seek to limit the right of interference in the domestic concerns of their States: they would desire to be freed from the veto hitherto imposed on their entering into direct political and economic relations with each other. Some of them would want to group themselves in composite units as they would under the Dominion form of Partition. For such purposes the old treaty system would have to be revised, but its vital core would remain. The King-Emperor would still be the Princes' suzerain. Their relations with the outside world, including the new Indian Dominion or Dominions, would remain in his Government's control. Their resources would still be pledged to his aid in the event of war. And he for his part would re-affirm the old promise to protect their rights and territories from attack.

It is because this form of Partition would keep the treaty system in being that the Princes might prefer it to the Dominion form. As all their

<sup>1</sup> Cmd. 9109, par. 157.

<sup>2</sup> See Part II, 2-8.

public utterances make plain, they cling to the treaties as the main safeguard of their territories and princely rights. At each stage in the development of self-government in British India they have asked for reassurances that the treaties will be honoured, and never with mere insistence and more evident anxiety than now, when the end of the process is in sight. On the eve of the Cripps Mission the Chamber of Princes passed the following unanimous resolution:

That this Chamber has repeatedly made it clear that any scheme to be acceptable to the States must effectively protect their rights arising from the Treaties, Engagements, and *Sanads* or otherwise and ensure the future existence, sovereignty and autonomy of the States thereunder guaranteed and leave them complete freedom duly to discharge their obligations to the Crown and to their subjects; it therefore notes with particular satisfaction the reference in the announcement of the Prime Minister to the fulfilment of the Treaty obligations to the Indian States.<sup>1</sup>

In their representations to Sir Stafford Cripps, the States Delegation declared that their attitude was summed up in this resolution. 'The Indian States', they added, 'will be glad as always, in the interest of the Motherland, to make their contribution in every reasonable manner *compatible with the sovereignty and integrity of the States*, towards the framing of a new Constitution for India.'<sup>2</sup>

It might be supposed that, if the rest of India had attained the full freedom of Dominion Status, the maintenance of the treaties with the States would seem to be derogatory. Would not the States Governments stand on a lower footing than the Government of an Indian Dominion, at liberty to shape its foreign policy as it chose, even to abandon its allegiance to the British Crown and secede from the British Commonwealth? But that, it seems safe to say, is not how the Princes would judge the situation. They would not feel that they lost prestige because their States were under the King-Emperor's protection. They want that protection, they would argue, and, in order to obtain it, they willingly accept their treaty obligations to render him certain services and to concede him certain rights. They regard the treaties as freely negotiated bilateral agreements, almost indeed in some cases—though this interpretation has been repudiated by the British Government<sup>3</sup>—as instruments of alliance rather than of subordination.

It would lie far beyond the scope of this Report to examine the treaties<sup>4</sup> in detail or to venture into the mazes of the legal controversy which has long surrounded them. For present purposes it will suffice to state the main facts.

(1) It is not contested that the Princes have honoured their share of

<sup>1</sup> *Session of the Chamber of Princes*, March 1942, p. 48.

<sup>2</sup> Cmd. 6850, p. 16. Italics not in the original.

<sup>3</sup> Part II, 8.

<sup>4</sup> Only a small number of the instruments are actually in the form of Treaties, but the word will be used for convenience to cover also the *Sanads* and Engagements.

the treaty-compact. In particular, in this war as in the last, they have taken their full part in the war-effort, and their loyalty to the common cause is fully appreciated by the British people. By their acceptance, moreover, of arrangements to promote a unified system of posts, customs, currency and railways, they have done much to facilitate the development of British policy for India as a whole.

(2) On the British side the treaty-obligations vary widely between State and State, but there are certain major principles that are regarded as applying to all of them alike (in so far as they can be regarded as States rather than as mere estates). Broadly speaking, the British Government has promised to protect the territorial integrity of the States and the sovereignty of their dynastic rulers.

(3) These obligations do not stand, so to speak, *in vacuo*, nor as if they had been undertaken yesterday. They have come to be interpreted in the light of decisions made and action taken from time to time during more than a century past. To put it in technical terms, the relations between the Paramount Power and the States are determined not only by the letter of the treaties but also by usage and sufferance.

(4) With this proviso the observance of the treaties has been regarded as a debt of honour by the British Government ever since it assumed direct responsibility for Indian policy on the morrow of the Mutiny. 'We hereby announce to the native princes of India', runs the often-quoted passage in Queen Victoria's proclamation of 1858,

that all treaties and engagements made with them by or under the authority of the Honourable East India Company are by us accepted and will be scrupulously maintained. . . . We shall respect the rights, dignity and honour of the native princes as our own.<sup>1</sup>

The gist of that promise has been frequently repeated since Queen Victoria's day in royal proclamations or in statements by Viceroy's in India and by Ministers at Westminster. The last re-affirmation has been that given by Mr. Amery in the House of Commons on December 3, 1942. Asked

whether the proposals of Sir Stafford Cripps had taken full notice of the treaties between the Crown and the Princes of India, whether these treaties remain valid in their integrity, and whether he would undertake that they would not be changed by any constitution-making body without the assent of the parties concerned,

he replied:

The questioner, no doubt, refers to the various treaties, engagements and *sanads* defining the relations of the Crown and the Rulers of Indian States. The interpretation of the original terms of certain of these engagements has, as is well known, been affected over a long period by usage and sufferance, but, subject to that qualification, the answer to all three parts of this question is in the affirmative.<sup>2</sup>

<sup>1</sup> A. B. Keith, *Speeches and Documents on Indian Policy, 1750-1921* (World's Classics, 1922), i, 388.

<sup>2</sup> *Hansard*, H. of C., vol. 885, col. 1281-2.

(5) The law can only take account of usage and sufferance, but there is also a moral proviso which is insusceptible of legal definition. No undertaking can be rightly interpreted without weighing the effect of lapse of time and change of circumstance. It is not only a question of material factors: it is also a question of morals. No compact can endure when, owing to the evolution of ideas, it has ceased to square with general conceptions of right and wrong. In this sense *rebus sic stantibus* is the implicit condition of every treaty. And certainly things no longer stand in India as they stood when most of the treaties were made. It was assumed, for instance, by those who made them, that British rule in India would continue. Indeed they were made on the British side solely for the purpose of maintaining it. Manifestly the whole situation is very different when the British Government has declared its intention of bringing British rule to an end as soon as possible. Pledges, again, to protect the dynastic rights of the Princes must needs read differently now from the way they read a century or more ago. When, for example, Metcalfe signed in 1818 a treaty which declared that the 'Maharajah [of Bikaner] and his heirs and successors shall be absolute rulers of their country',<sup>1</sup> he was intending to safeguard the ruling dynasty primarily against British usurpation of its rights and possibly also against the claims of rivals to the throne. He was certainly not contemplating the possibility of democratic agitation. Democracy as practised now in Britain or in an Indian Province was almost as inconceivable to the British governing class in the early nineteenth century as it was to an Indian Prince. Thus, the development of Western political thought, quite as much as usage and sufferance arising from acts of interference by the British Government with a Prince's absolute authority, has made it impossible to construe such pledges literally. Is it conceivable that the British Government should lend its aid to prevent the development of constitutional government in the States when it has not only promoted that development in the neighbouring Provinces for many years past but actually brought it in recent years to its almost complete culmination by Act of Parliament?<sup>2</sup>

Such in broad outline is the treaty system which, it has been suggested, the Princes might wish to retain if Indian India were separated from British

<sup>1</sup> Part I, 154. Similar provisions will be found in other treaties of the period. For example—Bharatpur, 1808, article 8. 'The British Government shall never interfere in the concerns of the Maharajah's country, nor exact any tribute from him' (C. U. Aitcheson, *Collection of Treaties, Engagements and Sanads relating to India and Neighbouring Countries*, 4th ed., Calcutta, 1909, vol. iii, p. 274). Udaipur, 1818, article 9: 'The Maharana of Oudeypore shall always be absolute ruler of his own country, and the British jurisdiction shall not be introduced into that principality' (*ibid.*, iii, 81). Dewas, 1818, article 5: 'The British Government agrees to consider the Rajahs Tookajee Puar and Anund Rao Puar in every respect the rulers of their present possessions, and engages to give no protection to any of their discontented relations or dependants, and not to interfere in the internal administration of the country' (*ibid.*, iv, 253).—A vivid and scholarly account of the circumstances in which the treaties of this period were made will be found in E. Thompson, *The Making of the Indian Princes* (Oxford, 1943).

<sup>2</sup> On the question of protecting a Prince against insurrection, see the *Report of the Indian States Committee, 1928-29* (Cmd. 3802), para. 49-50. 'No such case has yet arisen, or is likely to arise, if the Prince's rule is just and efficient.'



India under the new *régime*. It remains to consider briefly how that project would be likely to work in practice. Would its prospects be more or less favourable than those of a States Dominion?

(1) The cardinal point of the project is the continued exercise of the paramount power for the protection of the territorial integrity of the States and the sovereignty of their Rulers. The first of these two objects would presumably be secured by the international character of the settlement. The States would be under British protection. That an Indian Dominion should attempt to occupy and annex any part of them seems inconceivable. It would be an act of war. The same considerations would apply if the States were invaded by an army of *satyagrahis*, bent on attacking the Princes' sovereignty by 'non-violent' means. But the protection of the Princes' prerogatives in face of a demand on the part of their own subjects for constitutional reform would be a different matter. It would be a domestic, not an international question. And to afford that protection British forces would have to be stationed in the States. They need not, it might be said, be large forces. The stronger States have troops and police of their own and can deal unaided with normal breaches of the peace. The agitation promoted by the Congress in 1938-9 did, it is true, result in constitutional concessions on the part of several Rulers; but, in the larger States at any rate, it never got out of hand.<sup>1</sup> There were outbreaks in some States in the rebellion of 1942, but they were quickly suppressed without external aid.<sup>2</sup> The Princes, it may be supposed, would be satisfied with a relatively small British ground force if a detachment of the Royal Air Force were also stationed in the States. Nor would such an arrangement seem undesirable on the British side from a purely military point of view. A group of aerodromes, occupied by British airmen, in the heart of India would accord with the strategic needs of the British Commonwealth. But it would not accord with the moral implications of British policy. It is now generally agreed that the chief hope not only of an intercommunal settlement but also of a better understanding between India as a whole and Britain lies in the elimination of the 'imperial factor'; and for that reason it will be argued in the next chapter that, while an Indian Dominion may wish that British forces should be stationed on its soil—for the time being and by treaty-agreement—in order to protect the frontier from external attack, such forces should be used for that purpose only and not for helping the Dominion to keep its own domestic peace. But the project now under discussion assigns that latter duty to the British forces in the States; and, though in fulfilling it they would operate only within the States, their presence would underline the contradiction inherent in the whole project, the contrast between part of India wholly independent and part of India still under British suzerainty. The picture of an India delivered at last from British imperialism would be blurred if anywhere

<sup>1</sup> Part II, chap. xvi.

<sup>2</sup> *Ibid.*, p. 301.

within the Indian frontiers British forces were required to take action against Indians.

(2) For that reason, indeed, the continuance of British protection might well go far to defeat the purpose it was meant to serve. Democratic agitation against the Princes has always linked their cause with that of the British Raj. One of the main reasons given by the Congress Working Committee for rejecting the Draft Declaration was that under its provisions the States' representatives on the constitution-making body would be appointed by their Rulers, not chosen by their peoples, and under a constitution so framed they envisaged the States as continuing to violate not only the principle of democracy but also the principle of free Indian nationhood.

Such States may in many ways become barriers to the growth of Indian freedom, enclaves where foreign authority still prevails and where the possibility of maintaining foreign armed forces has been stated to be a likely contingency and a perpetual menace to the freedom of the people of the States as well as of the rest of India.<sup>1</sup>

Clearly this line of attack would be greatly reinforced if the contingency were realised, and realised, moreover, not in a united but in a disrupted India. It is easy to imagine the sort of propaganda that Indian nationalists would set on foot. The new *régime* would be denounced as the outcome of a deliberate conspiracy against Indian democracy and Indian nationhood. An unholy bargain had been struck, it would be said, for the mutual preservation of the Princes' autocracy and the British Government's grip on India.

(3) It may also be asked how long British public opinion would acquiesce in the continuance of so anomalous a situation. The British people, it need hardly be said, have no personal prejudice against the Princes. Such prejudice as they have in the matter is the natural prejudice of twentieth-century democrats against the principle of autocracy, whether it operates in Asia or in Europe. They know—or ought to know—that, while some States are backward, the administration of justice and the provision of social services are as good in others as they are in British India, and that in several cases the traditional devotion of the mass of the countryfolk to the person of their Ruler is still maintained. And the British people intend to honour their undertakings. But, as explained above, those undertakings cannot now be so interpreted as to require the aid of British forces to repress agitation for constitutional advance. And why, the British people might well ask, should they be needed for that purpose? Constitutional advance in the States is already under way. It has been openly encouraged by the British Government. It may reasonably be expected to continue after the war is over, and perhaps at a quicker pace. Is there, then, any real danger of a popular agitation, so powerful and unruly as to call for British aid in its repression, unless a Ruler had sharply halted the process of constitutional development and had antagonised not merely a clique or a class but the great body of his subjects? And is it likely that the British people

<sup>1</sup> Cmd. 6850, p. 17.

would continue to tolerate a political arrangement which required British soldiers and airmen to fire on Indian mobs in order to maintain an undemocratic system of government? They acquiesced in such action in 1942 only because the full freedom of India had been promised and because to yield to Mr. Gandhi's rebellion would have prevented the execution of that promise, thrown all India into chaos, and opened the way to a Japanese invasion. Would they acquiesce in the prospect of such repressive British action as a permanent feature of the new post-war régime? It is not dishonourable to say No. On the contrary, honesty requires that no hope should be held out of any other answer. It is cold common sense to say that, when the transition to a new order in India has been accomplished, it will not be possible for British forces to be used to prevent the evolution of constitutional government anywhere in India in face of British public opinion and in full view of the other free peoples of the world.

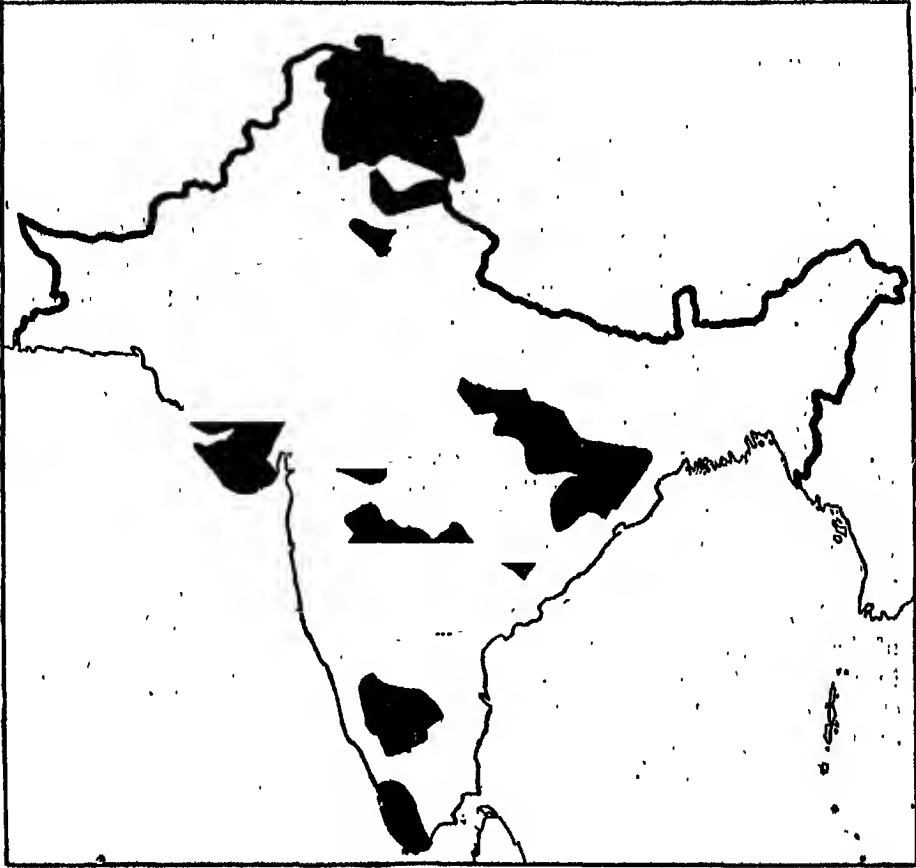
(4) It must be remembered, lastly, that the maintenance of British forces in the States for the purposes of domestic security involves the British Government in an obligation to ensure that the methods and standards of administration are not such as to give grounds for agitation and disorder. Thus the project implies the continuance in effective form of British power to interfere in the internal government of the States.

## 4

In view of the foregoing, the project of a union or unions of separated States with less than Dominion Status seems so plainly undesirable from the standpoint of all parties concerned that it seems unlikely to become 'practical politics'. Nor, indeed, should the question of Partition in any form between the States and the rest of India be regarded as more than a hypothetical question. As has already been pointed out, the fact that the Princes have asked a question about Partition should not be construed to mean that they desire it. They are Indian patriots. They want to see India take her due place in the world. And they know that that is also the wish of the British people. They might, indeed, as suggested in Chapter IX, desire to hold aloof if the rest of India were divided into two or more Dominions. But, if the rest of India could compose its differences and maintain its unity, it seems safe to assume that the Princes would not choose Partition unless they were compelled to choose it.<sup>1</sup> And is it reasonable to suppose that they would be so compelled? They would only be so compelled if the statesmen of British India, having come to an agreement for keeping the Provinces united, should also be agreed in seeking to impose on the States something like the revolutionary Congress policy of 1938-9 as a condition of their entry into the Union. And is it likely that the same statesmen who had

<sup>1</sup> Sir C. P. Ramaswami Aiyar, *Diwan of Travancore* and one of the ablest of the States' Ministers, said in January, 1948: 'If any Indian State, while asserting its right to internal sovereignty, is unresponsive to national tendencies or is not working in harmony with national policy elsewhere in India, that State does not deserve to live.' *Reuter, Madras*, Jan. 19, 1948.

solved the more intractable Hindu-Moslem problem by compromise and common sense would throw them both to the winds in dealing with the States? Nor is it to be supposed that they would be tempted to pursue an intransigent and coercive policy in the belief that the States would be too weak to resist it. The States would have the option of Partition. It would be feasible to exercise it, since, as has been seen, the States or most of them could constitute a Dominion or Dominions which would have at



least as good prospects of maintaining their independent life as Pakistan. And, while there would be great disadvantages to the States in Partition, the disadvantages to the rest of India would be still greater. An India deprived of the States would have lost all coherence. For they form a great cruciform barrier separating all four quarters of the country. If no more than the Central Indian States and Hyderabad and Mysore were excluded from the Union, the United Provinces would be almost completely cut off from Bombay, and Bombay completely from Sind. The strategic and economic implications are obvious enough. The practicability of Pakistan

must be admitted, but the more the separation of the States from British India is considered, the more impracticable it seems. India could live if its Moslem limbs in the North-West and North-East were amputated, but could it live without its heart? That is why the problem of the States has been treated in this Report as a secondary problem. From every point of view the Hindu-Moslem problem is more difficult. If that can be solved, *a fortiori* the problem of the States is soluble.

It remains to consider some of the possible main features of a constitutional settlement between the Provinces and the States.

(1) The constitution would presumably affirm the territorial integrity of the States. Provision might be made for the readjustment of frontiers by consent and for the settlement of minor boundary disputes by arbitration.

(2) The constitution would doubtless also recognise the existing Governments of the States. Thus the guarantees of the treaties, the continuance of which, it has been pointed out, would be incompatible with Dominion Status, would be replaced by the guarantees of the constitution. The Government of a State, like that of a Province, would be the Government by law established, and it would be equally entitled to the aid of other Governments at need for the maintenance of that law. If the States were associated with Provinces in Regions, the combined Regional police forces would be available in the last resort. If the Regional system were not adopted or only partially adopted, or if in either case the States should decline to be associated with it, most of them would presumably group themselves, possibly on the lines of the existing Agencies, for the common handling of common interests;<sup>1</sup> and for the ultimate preservation of law and order they might all agree, whether grouped or singly, to come to each other's assistance. In that event there should be no need of further aid from outside their borders.

(3) With regard to other 'subjects' besides law and order, the autonomy of the States, like that of the Provinces, would be greater than that provided in the Act of 1935 in so far as fewer 'subjects' would (as suggested in Chapter XI) be allocated to the Centre. This would seem to necessitate the kind of grouping referred to above, since some of the 'subjects' transferred from the Federal and Concurrent Lists of 1935, while within the administrative capacity of a Province, would be quite beyond the powers of many single States. The States, again, might make more use of permissive Central legislation than the Provinces.

(4) Under the existing *régime* certain States have agreements with the Paramount Power relating to the operation by adjoining Provinces of services which are of common concern to both the Province and the State, such as forest exploitation or the collection of local taxation on motor vehicles or liquor excises. It would have to be provided, therefore, that the Provinces would discharge themselves in future the obligations, generally in the form of money payments, contracted by the Paramount Power with the States on

<sup>1</sup> Several of the smaller States in Central India have recently combined to form a scheme of administrative co-operation.

their behalf in return for the rights so acquired. Similarly, provision would be needed for the discharge of obligations undertaken on behalf of the existing Centre in agreements negotiated between the Paramount Power and the States, as for example for the abolition of transit duties, the exploitation of salt concessions or the extension within State territory of the Indian postal and telegraph system. Under the Act of 1935 the maintenance of the rights of the States in such matters would have been secured in their Instruments of Accession. Thus their interpretation would have come within the purview of the Federal Court. It might accordingly meet the wishes of the parties to set up as part of the new constitution a separate permanent tribunal to which the claims of the Centre, the Provinces or the States regarding the interpretation and fulfilment of these numerous past undertakings could be referred for adjudication in the form of declaratory judgments.<sup>1</sup>

(5) A difficulty arises when the representation of the States at the Centre is considered. Suggestions have been made in previous chapters as to possible ways of establishing a 'communal balance' at the Centre as far as British India is concerned. It might be argued that the representation of the States would not seriously disturb that balance. The States' Governments, it has often been said, are less communal-minded than most British-Indian politicians, and it was generally agreed, when the Act of 1935 was being framed, that the States' representatives at the Centre would exercise a neutral and conciliatory influence as between the rival communities in federal affairs. But the fact remains that the great majority of the rulers of the States are Hindus, and that about 55 million of their peoples are Hindus and only about 12 million Moslems.<sup>2</sup> And Moslem separatists might hold that, even if a Hindu-Moslem 'balance' for British India could be established at the Centre, the addition of this preponderantly Hindu block of States would convert it into a Hindu Raj. Regionalism disposes of this difficulty. One of its merits, as Sir Sikander Hyat Khan pointed out,<sup>3</sup> is that it brings the States to the Centre not as a single block confronting the Provinces, but already combined with the Provinces in their respective Regions. For that reason among others it is greatly to be hoped that, if the Regional solution of the problem should commend itself to British-Indian statesmen, the Princes, knowing that the domestic autonomy of their States would be as strictly protected as that of the Provinces, would not hold aloof. But suppose they did. It has already been suggested that some or all of the Hindu-majority Provinces might not wish to combine in Regions, and that in that event they might still accept the Regional principle for representation at the Centre. Could not the States do likewise? Could not their Governments come to an agreement with the Governments of those Provinces, which would have been associated with them if a full-scale Regional system

<sup>1</sup> For criticism of the existing system of adjudication, see *Report of the Indian States Committee, 1928-29*, pars. 79-105.

<sup>2</sup> The Scheduled Castes number 8,802,000.

<sup>3</sup> P. 116 above.

had been adopted, as to the policy to be pursued at the Centre? Then their representatives would go to the Centre with the same instructions as the Provincial representatives, and the 'balance' would not be upset.

(6) Paramountcy would automatically disappear with the disappearance of the treaty system, except, perhaps, in one respect. From time to time there have been, and presumably still will be, disputes as to the succession to the Rulerships of States. Under the present *régime* such a dispute is finally settled by the Paramount Power, i.e., by the British Government on report from the Crown Representative, who in turn has received a report from his political agent in the State concerned. The simplest method of adjudication under the new *régime* might seem to be to constitute a panel of leading Princes for the purpose; but it seems likely that they would prefer to retain the external authority of the British Crown. Such an arrangement on so domestic an issue could not be regarded as seriously infringing the national independence of India, and there seems to be no reason why the statesmen of British India or the British Government should refuse to acquiesce in it, though both parties might prefer a purely Indian arrangement.

The prospects of an all-India union of Provinces and States, whether on some such lines or on any others that might be devised, would be greatly brightened if the Princes were actively to promote it. The part they have so far played in the constitutional discussion has been more or less negative. They have stood aside and said little. Their silence has sharply contrasted with the clamour of conflicting parties in British India. They may think it wise to maintain it, to wait and see. But is that the best service they can render to India at this historic crisis, and not to India only? British India seems caught in a deadlock from which there is no way out. Could not Indian India come to the rescue? The Princes are well qualified to take a hand in the work of mediation and construction. They are freer than most British-Indian parties from the meshes of communalism. Among their advisers are some of the most gifted and experienced statesmen in all India. They claim to be champions of Indian nationalism. Is not this the moment, when national freedom seems unobtainable for lack of any reasonable plan for obtaining it and national unity is threatened with disruption, to prove their claim in action? If the Princes were now to take the lead, if they could discuss amongst themselves and with British-Indian leaders the principles and possibilities of a constitutional settlement, the deadlock might conceivably be broken. If that should prove in the event to have opened the way to a general agreement and thus to the swift attainment of India's national destiny, the Princes would have won for their Order a high place in Indian history. Monarchy, it might be said, had done the same kind of service to the national cause in India as it once did in England.

Outside observers of the Indian scene might be tempted to pursue that analogy further. If nationalism is one of the two main forces in the political life of India, the other is democracy. Is there any valid reason why the

Princes should not identify themselves with both? In Britain and other European countries constitutional monarchy has been found to be the most convenient form of democracy; and when Indian democrats say that in twentieth-century India monarchy is doomed, do they not mean autocracy? If so, most Western democrats would probably agree; and they might go on to argue that a monarchy which sheds itself of absolutism might last as long in India as it has in Europe. The philosophy of Western democracy is evolutionary, not revolutionary; and its adherents are unlikely to sympathise with demands for a sudden and sweeping change in the government of the Indian States. But the existing anomaly is plain enough. If it does not actually prevent an Indian settlement, it may still make it an uneasy and precarious settlement. If, on the other hand, the Princes were to commit themselves to a steady and finally complete development of democratic institutions—in whatever form might seem most suited to conditions in their States—then the anomaly would *pari passu* disappear, the breach made by the British Raj between the two great sections of India would have been at last restored, and monarchy would have preserved its place in India, as it has elsewhere, not by clinging to prerogative, still less by asking aid of foreigners, but by adapting itself to the progress of democracy throughout the world.



## CHAPTER XIII

### BRITISH OBLIGATIONS

A CONSTITUTIONAL settlement will herald the immediate enfranchisement of India, the immediate transfer of all powers of government from British to Indian hands. 'The moment the new constitution comes into operation,' said Sir Stafford Cripps at Delhi, 'the change-over takes place.'<sup>1</sup> This statement was based on a presupposition. It assumed that agreement would be reached not only between Indians as to the form of their constitution, but also between the Indian constitution-makers and the British Government as to the manner in which certain responsibilities hitherto vested in the British Government would be discharged under the new *régime*. Such an agreement has always been a condition of final British abdication. It was laid down in the 'August Offer' of 1940, and Sir Stafford Cripps discussed it in the spring of 1942. The necessity of observing it was one of the reasons why the Congress Working Committee's demand for immediate abdication in the autumn of 1942 was plainly unacceptable.<sup>2</sup> For a long time past Britain has maintained the unity and safety of India. Can anyone believe she would be justified in leaving India exposed to attack from without and to anarchy within? And there are more specific obligations. In the forefront are the treaties with the Princes and the pledges given to the minorities. 'There we are', said Burke of British rule in India 160 years ago: 'there we are placed by the Sovereign Disposer, and we must do the best we can in the situation. The situation of man is the preceptor of his duty.' We are still there, and our duty is still plain.

#### 1

The first British obligation, when the transfer of full power is effected, is to provide such assistance as India may require for the time being for defence against external attack.

This, of course, is not a matter which concerns Britain and India only. It affects the vital interests not only of the whole British Commonwealth but of all the United Nations. The war has proved that the security of India is a strategic necessity for the maintenance of peace and freedom in the world. On one side lie China, Burma, Malaya, the Dutch East Indies and the approaches to Australia and the Pacific: on the other, the Middle East and the approaches to South Africa and the Suez Canal. Clearly the defence of India is one of the matters with which the United Nations must concern themselves when the war is over if they hope to establish any sort of system of general security. And a free India, for her part, is bound to

<sup>1</sup> Part II, 277.

<sup>2</sup> *Ibid.*, chap. xxii.

welcome international co-operation, since, for some time to come, she will be unable to provide herself with an adequate system of defence unaided.

If free India should choose to remain within the British Commonwealth, she could rely on its other Governments to give all possible assistance in the event of war. But, unlike most of the Dominions, the geographical situation of India would necessitate in peace time the stationing of British forces on Indian soil and their correlation with Indian forces in a joint system of defence. This would naturally form the subject of a treaty between the Governments concerned. The conclusion of such a treaty is contemplated in the Draft Declaration of 1942. It is described as covering 'all necessary matters arising out of the complete transfer of responsibility from British to Indian hands';<sup>1</sup> and that an arrangement for British assistance in defence would be one of those matters was implied at one of the Press Conferences held by Sir Stafford Cripps at Delhi. 'No Imperial troops will be retained in this country', he said, 'except at the request of or by agreement with the new Indian Union or Unions.'<sup>2</sup> There are precedents for such an arrangement. Under the Smuts-Churchill agreement of 1921, while the Union Government is responsible for the whole coastal defence of South Africa, the British Government is permitted to use the port of Simonstown as a naval base and to maintain its own naval dockyard there.<sup>3</sup> Under the seventh article of the Anglo-Irish Treaty of 1921, cancelled by agreement in 1938, the defence of certain specified ports was to remain in British hands and facilities were to be provided for coastal defence by air and for the storage of oil fuel.

These are Commonwealth precedents. Others may be found in British relations with foreign Powers, and these, of course, would equally apply to India whether she chose to retain her Dominion Status or to secede from the Commonwealth, since a Dominion controls its international relations with the same independence as a foreign Power. The most remarkable of the extra-Commonwealth precedents is the agreement, concluded in principle in 1940 and in detail in 1941 for the leasing to the United States of defence bases in Newfoundland, the British West Indian islands and British Guiana. Perhaps the most striking aspect of this agreement is the proof it affords that international co-operation of that kind is necessitated by modern conditions of defence and cannot be regarded as lowering a nation's status in the world or derogatory to its own self-respect. But the most useful precedent for the purposes of the present discussion dates back to before the war. The British occupation of Egypt some sixty years ago was mainly due, as is well known, to the need for safeguarding the free passage of the Suez Canal; and when, after the last World War, Egyptian nationalism demanded that Egypt should be freed from the British Protectorate and become a wholly independent State, the safety of the Canal was still the primary problem. Thus, while the Milner Mission of 1919-20 recommended the abolition of the Protectorate, it proposed that a Treaty of Alliance

<sup>1</sup> *Ibid.*, 287.

<sup>2</sup> *Ibid.*, 275.

<sup>3</sup> U. G., *Correspondence re Defence of the Cape Peninsula*, 1921.

between Britain and Egypt should be substituted for it and that this Treaty should concede to Britain certain rights on Egyptian territory for the purpose of defence. Accordingly, when the British Government announced in 1922 that 'the British Protectorate over Egypt is terminated and Egypt is declared an independent Sovereign State', it reserved certain questions for further 'free discussion and friendly accommodation on both sides', of which the most important were (a) 'the security of the communications of the British Empire in Egypt', and (b) 'the defence of Egypt against all foreign aggression or interference'.<sup>1</sup> After protracted negotiations a 'Treaty of Alliance' was concluded in 1936.<sup>2</sup> Its first article read: 'The military occupation of Egypt by the forces of His Majesty the King and Emperor is terminated.' Article 4 established the alliance. Article 8 was as follows:

In view of the fact that the Suez Canal, whilst being an integral part of Egypt, is a universal means of communication as also an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the High Contracting Parties agree that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, authorises His Majesty the King and Emperor to station forces in Egyptian territory in the vicinity of the Canal, in the zone specified in the Annex to this Article, with a view to ensuring in co-operation with the Egyptian forces the defence of the Canal. The detailed arrangements for the carrying into effect of this Article are contained in the Annex hereto. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

It is understood that at the end of the period of twenty years specified in Article 16 the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal may, if the High Contracting Parties do not agree thereon, be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present treaty or to such other person or body of persons for decision in accordance with such other procedure as the High Contracting Parties may agree.

The annex to this article limited the British land force to 10,000 men and the air force to 400 pilots, exclusive of ancillary personnel; defined the areas in which they would be stationed west and east of the Canal; and required the provision of the requisite land, barrack accommodation and water-supply and the improvement and upkeep of communications by road and rail.<sup>3</sup>

This procedure would clearly be applicable to the case of India. In a free India, as in freed Egypt, such British forces as were needed would cease to be forces of occupation: their presence on Indian soil by bilateral agreement would 'in no way prejudice the sovereign rights' of India; and, since the duty of maintaining internal security would be vested solely in

<sup>1</sup> Cmd. 1592.

<sup>2</sup> Cmd. 5360.

<sup>3</sup> A closely similar treaty (Cmd. 3797) was concluded between Britain and Iraq in 1930 'on terms', as the preamble ran, 'of complete freedom, equality and independence'. On all the main points it corresponds with the Egyptian treaty.

the Indian Government, the location of the land forces would seem naturally to lie in the neighbourhood of the north-west and north-east frontiers, just as their location in Egypt lies near the Canal. It must be remembered, however, that the development of air warfare necessitates defence in depth, and that aerodromes would be required at various distances from the frontier. Nor should it be overlooked that a free India will depend on external aid for her defence by sea even more than by land, and that facilities for British naval and coastal air forces would be needed at the major Indian ports.

It used to be suggested by foreign critics of British policy that the Anglo-Egyptian Treaty was an example of 'camouflaged imperialism'. It meant, it was said, that Egypt's foreign relations would be firmly subjected to British control in British interests. That slander has been exploded by the events of the present war. Egypt has wanted to keep out of it. Not only has she attained her desire, she has only been enabled to attain it in face of the undisguised intentions of the Axis Powers by the presence of British forces on her soil.

## 2

Next to the safety of India come the treaties and agreements with the Princes and the promises made to the minorities.

The position of the Indian States and their Rulers under the new *régime* has been discussed in the preceding chapter. It was there suggested that the territorial integrity of the States and the status of their governments would be recognised, and the extent of their autonomy defined, in the constitution. The safeguard of the treaties would be replaced by the safeguard of the law. Paramountcy would disappear except in so far as it might be agreed that succession-disputes should still be decided by the Crown in the United Kingdom. In other words, the treaty system as a whole would be superseded and abrogated by mutual consent.

The minorities present a somewhat different problem. There is no question here of formal treaties and agreements, but there is a general obligation and there are specific pledges.

The general obligation arises from the fact that the relationship between majorities and minorities in India, which had previously been determined by the will of the stronger party, was transformed by the expansion of neutral British rule and that for over a hundred years India has been governed by a system of law and administration under which communities, like individuals, have been equally entitled to protection. Clearly the British Government must be satisfied that the abdication of its authority does not mean a reversion to the principle of 'might is right'. Clearly it must require that a similar measure of protection is provided by the new *régime* as by the old. So much for the general obligation. Of several particular pledges the last—the pledge in the 'August Offer' of 1940—contains the gist of them all.

It goes without saying that they [the British Government] could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government.<sup>1</sup>

This pledge was interpreted as giving the chief minorities a *liberum veto* on the framing of the constitution. They would pitch their claims, it was said, at a wholly unreasonable height in the certainty that they would not be compelled to accept any settlement to which they did not consent. As regards the greatest minority, the Moslems, that interpretation was invalidated by the Draft Declaration. It conceded the option of Partition and so precluded a deadlock: for it was understood that Partition would be regarded as a final settlement of the communal conflict in constitutional terms and that, if they chose Partition, the Moslems could not then hold up the framing of a constitution for Hindu India by pressing the claims of Moslem minorities therein. But what of other important minorities—the Scheduled Castes, for example, or the Sikhs? Their problem would not be susceptible of treatment in the last resort by the surgery of Partition. Might not their demands create a deadlock?

There seem to be two answers to that question. In the first place, it has been suggested in Chapter VI that the Congress proposal for referring points on which intercommunal agreement proved impossible to arbitration might well be adopted by all parties in the Constitutional Convention. In that event the minorities would be expected to acquiesce in the arbitral decision. Secondly, as regards questions that would not be arbitrable—and these, it was pointed out, would be the major questions—the pledge must surely be interpreted in the light of common sense. An obstinate intransigence, extravagant claims that defied all reasonable canons of justice, could scarcely entitle a minority to the fulfilment of the letter of the pledge in contradiction of its spirit. Some Indian nationalists, it is true, aver that that is precisely what the British Government contemplates: that it expects such intransigence and would welcome the deadlock it would create as an excuse for maintaining its imperial grasp on India. But is it in fact to be expected that the Scheduled Castes or the Sikhs, for example, will be intransigent? Their leaders are experienced and responsible men. Are they likely to hold up the freedom of all India by making demands which were clearly quite unreasonable? And, if they did, is it conceivable that British Ministers would affront their own public opinion and the judgment of the world at large by backing them?

Assuming that a constitution is drafted in which, with or without recourse to arbitration, the minorities have acquiesced, will British obligations towards them have thereby been discharged? The authors of the Draft Declaration apparently thought not: for of the 'necessary matters' to be covered by the projected treaty between the British Government and

<sup>1</sup> Part II, 834.

the constitution-making body they singled out this particular matter for specific mention. The treaty 'will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities'.<sup>1</sup>

This proposal seems open to some serious objections.

(1) It does not accord with Dominion Status. True, the treaty is to be a bilateral treaty, freely concluded by both parties, and it has been explained that such a treaty might provide for British assistance in the defence of India without any infringement of India's sovereign independence. But it is one thing for Britain to help India in guarding a frontier whose safety is vital not only for India but for any international system of security, and it is quite another thing for Britain to possess a right of interference in India's internal affairs. It is inconceivable that any Dominion would concede such a treaty right to Britain. The closest analogy is to be found in Canada. By the Treaty of Paris in 1763 the British Government undertook to maintain 'the liberty of the Catholic religion' in the territories annexed from France, and in the Quebec Act of 1774 the British Parliament made this undertaking good. The development of Provincial self-government in due course led up to the framing of a national constitution, and in that process the French-Canadians after full discussion secured their religious and cultural rights. As a result of the enactment of this agreed constitution in 1867 Britain was absolved of all further obligation towards the French-Canadians or any other minority in Canada. The constitution itself, it is true, can be amended or repealed by an Act of the British Parliament, but the Statute of Westminster has provided that no such Act shall extend to a Dominion 'unless it is expressly declared in that Act that that Dominion has requested and assented to the enactment thereof'. It is, in fact, unimaginable that Canada or any other Dominion could tolerate Britain's possession of a right to interfere in its domestic life. Treaties or conventions for aid in external defence are consonant with Dominion Status. A minority treaty emphatically is not.

The position would be the same if India should elect to secede from the British Commonwealth. It will be remembered that the Minority Treaties in Europe provoked the resentment of the countries concerned because they were one-sided and did not apply to all countries affected by minority problems.<sup>2</sup> And the projected Anglo-Indian treaty would certainly be one-sided: it would give India no right to interest herself in 'the protection of racial and religious minorities' in Britain. It will be remembered, too, how seriously Britain's relations with China were impaired by the 'Unequal Treaties' until they were happily abolished. Nor should the Egyptian precedent be overlooked. The foreign communities in Egypt constitute a minority problem, and before the Anglo-Egyptian Treaty of 1936 their protection was regarded as one of the functions of the British Protectorate. But in Article 12 of that Treaty the British Government declared 'that the

<sup>1</sup> *Ibid.*, 387.

<sup>2</sup> See p. 59 above.

responsibility for the lives and property of foreigners in Egypt *devolves exclusively upon the Egyptian Government*, who will ensure the fulfilment of their obligations in this respect'.<sup>1</sup>

(2) A second objection is the manifest difficulty of operating the treaty. How in fact would the minorities be 'protected' by it? It assumes that a constitutional settlement has been made in which the minorities have acquiesced. Presumably, therefore, the treaty would do no more than provide a joint guarantee of the validity of the constitution. But how, if the need arose, could the British Government fulfil this obligation? How could it deal with an alleged infringement of the constitution? Could it conduct its own inquiries in India as to the truth of the allegation? And, if the truth were somehow demonstrated, what next? By what means could the British Government induce the Indian Government to observe the treaty which, in the former's opinion, the latter had violated? In the first instance, no doubt, it could bring to bear such diplomatic and other forms of pressure as are available to one independent State in dealing with another. But in the last resort it would be a question of force. And would not that imply the use of the British forces which under the same or a concurrent treaty were stationed in India to aid in its external defence? That in itself would be paradoxical enough, but it would also violate the basic principle of the defence convention, namely, that the British forces were to be used in India as in Egypt for external defence alone. And the practical difficulties seem no less formidable. It is hard to imagine what would happen if, when British and Indian forces were closely linked in a combined system of defence, the British Government should want to use the former in order to compel the Indian Government to observe the treaty.

(3) In the third place it is surely desirable that the British surrender of its powers in India should include the surrender of all its present responsibilities in communal affairs, provided only that it can be honourably done. It is possible to repudiate the assertion that the British Government has deliberately stimulated, if not actually created, communal antagonism in order to strengthen its own position, and yet at the same time to admit that the continuance of British rule helps to keep the quarrel alive. As long as they are not themselves responsible, and exclusively responsible, for the internal peace of India, the rival communities are inevitably tempted to evade the duty of coming to terms among themselves and to try to secure their ends by bringing pressure to bear on the British Government. The best way, in fact, to promote peace between them is to make it nobody's business but their own, and the only way to do this is—to borrow a familiar phrase from the South African controversy at the end of last century—to 'eliminate the Imperial factor'.

(4) Lastly, it might be asked whether the proposed treaty would really serve the interests of the minorities it had been designed to protect. It was suggested in the preceding chapter that for the Princes to stand aside from

<sup>1</sup> Cmd. 5360, p. 11.

a free India and to continue to rely for the maintenance of their sovereignty on British Paramountcy would expose them to the charge of lack of patriotism and self-respect. It would be much the same, surely, with the minorities under a treaty. They would be regarded by the majorities as traitors to the national cause. They would be blamed for keeping in existence a last remnant of the old imperialism and so diminishing the status of Indian nationhood. And there would be means enough by which the majorities could make their resentment felt without any such overt or large-scale action as could be accounted a violation of the treaty.

For these reasons it seems desirable that the proposal to prolong, if not to perpetuate, British obligations towards the minorities under a treaty should be reconsidered by all parties concerned. It may be taken for granted that the British people on their side desire that the rights of the minorities should be safeguarded in the most effective manner possible. It is not only a matter of honour. The claims of the Scheduled Castes appeal to their democratic sympathies. They acclaim the part which Sikh soldiery has played on many a battlefield in the common defence of freedom. Nor do they respect the rights of other minorities, such as the Anglo-Indians, any the less because their leaders are less vocal or their numbers smaller. But, in the light of the considerations discussed above, they are bound to ask themselves, and they would be entitled to ask the minority leaders, if there is not a better way for protecting their rights, more consonant with the principles of the new *régime* and more effective in operation. And, when the question is further examined, will it not ultimately appear that a valid and lasting guarantee of minority rights in an independent country is not to be found in any external authority but only in the law of the land?

How that law should be made and what it might contain have been discussed in earlier chapters of this Report. It was argued in the first place that a constitution might be framed which so defined and secured the rights of the minorities—by declaratory clauses, by various kinds of 'safeguards', by providing that substantial minorities should have their due share of executive as well as legislative power, and by requiring minority assent to any future amendments—that the minorities would be able to accept it. Secondly, it was argued that the constitution must be respected and obeyed. If it were not, if the rule of law broke down in India, then injustice to minorities would not be the worst of the evils to which the whole country would be doomed. Now it is on that twofold assumption—the sanity of a constitution framed by agreement—that the whole of the British Government's policy for the transfer of all its responsibilities for the peace and welfare of India to Indian hands is based; and, that being so, there seems to be no case, quite apart from the practical difficulties, for retaining a particular responsibility for the protection of minorities. If the foregoing arguments are sound, is there any reason why the enactment of the new Indian constitution should not be regarded, both in India and in Britain, as the full and final discharge of British obligations towards the minorities in the same



way as British obligations towards the French-Canadians were fully and finally discharged by the enactment of the Canadian constitution?

## 3

There is a large body of people who might be described as a minority, but whose existence is sometimes overlooked in discussion of the minority problem—the inhabitants of the 'backward' or 'excluded' areas. Scattered over five Provinces, these areas, mostly tracts of forest and hill country, cover some 120,000 square miles and their population numbers about 12 million. They are mostly at a primitive stage of civilisation, animists in religion, and living under a traditional tribal system. They are incapable as yet of sharing in the political life of the Provinces, and with one or two exceptions they have not been represented in the Provincial legislatures. Their primary needs are: (1) protection for their lands and customary life from exploitation and disturbance, (2) an extension of social services, especially health and education, for which they cannot provide from their own exiguous resources, and (3) sympathetic administration on the lines, where practicable, of 'indirect rule' as practised in British Tropical Africa.

Under the existing constitution these areas are graded as 'wholly' or 'partially' excluded areas. In the former, the Governor of the Province controls the administration of them 'at his discretion'. As regards the latter, Ministers are entitled to advise the Governor, but he 'exercises his individual judgment' in discharge of his 'special responsibility' for 'the peace and good government' of the areas.<sup>1</sup> The ultimate responsibility for the welfare of these backward people thus rests at present on the British Parliament. No specific promises have been made about their future; but, since their claims must be considered in the framing of the new constitution and since they cannot speak for themselves, the British Government would clearly be entitled to make representations on their behalf.

There is one major area which seems to call for special treatment—the hill tracts on the eastern frontier of Assam. They adjoin similar hill tracts on the north-west frontier of Burma. The inhabitants of both areas are alike in race and culture. They are not Indians or Burmans, but of Mongol stock. In no sense do they belong to the Indian or Burman 'nation'. They constitute a single problem. The relations of one area with the future free India will be similar to those of the other area with the future free Burma. The neighbourhood of both to China demands a common frontier policy. These considerations have inspired a suggestion that the two areas might be united in a single territory, the administration of which would be separated in some way from the government of India and Burma. Since the security and stability of this frontier zone are of the highest importance to both countries, it seems possible that India and

<sup>1</sup> Act of 1935, Sections 91, 92 and 52. For the Governor's functions see Part I, 184-5.

Burma might welcome some special arrangement. It has been suggested that the new Government of India might conclude a treaty with the British Government for the provision of British assistance for the time being in the external defence of India. The new Government of Burma might wish to do the same. In that event, might not the administration of this area on both sides of the frontier be associated with a joint system of defence?

Whether some such treatment of the hill tracts of Assam were practicable or desirable or not, it clearly could not be applied to the other 'excluded' areas. Clearly these areas must be fitted into the fabric of the Indian constitution, and such 'safeguards' as are required for their protection must be found in the law of the land. But it is not only protection they need. Like most of the British Crown Colonies, they need money for the extension of social services. Mainly for that reason the authors of the Simon Report recommended that the control of them should be vested in the Centre.

The typical backward tract is a deficit area and no Provincial legislature is likely to possess either the will or the means to devote special attention to its particular requirements. Expenditure in the tracts does not benefit the areas from which elected representatives are returned. Moreover the most extensive tracts . . . fall within the poorest Provinces. Only if responsibility for the backward tracts is entrusted to the Centre does it appear likely that it will be adequately discharged.<sup>1</sup>

These arguments still hold good, but it must be remembered that their exponents had in mind a stronger and wealthier Centre than that which has been contemplated for the new *régime* in earlier chapters of this Report. What is chiefly wanted is money, and a minimal Centre will need nearly all its money to meet the cost of defence. It has been suggested that the constitution might provide for Provincial subsidies to the Centre if the yield of customs revenue should fail to meet its requirements. Conceivably, if the administration of the areas were allocated to the Centre, an agreed annual contribution might be made by the Provinces for this particular purpose. In any case the Governments of the Provinces in which the areas lie would have to act as the administrative agents of the Centre, but the final responsibility would be Central, and it might seem advisable that the Centre should maintain a body of officials, specially trained for the task of dealing with backward peoples and helping them to learn to stand on their own feet, to be put at the disposal of the Provincial Governments concerned.

If a Regional system were adopted, the final responsibility for the areas could be vested in the Regional Governments rather than in the Centre. In that case the cost would be considered in allocating sources of revenue between the Regions and the Provinces.

One further point seems worth mention. As in the British Crown

<sup>1</sup> *Simon Report*, ii, 109.

Colonies, invaluable work has been done in some of these areas by Christian missions, especially in providing health-centres and schools. No one can question that this work ought to be continued. Would not the British Government be justified in asking that all reasonable rights should be accorded to the missions? And ought not the British public to ensure that their work is not handicapped by lack of funds?

## 4

The British Government is also under an obligation as regards the future of the Indian Army, Navy and Air Force and of the so-called Secretary of State's Services.<sup>1</sup> All those bodies have been recruited on the British Government's authority and have operated under its ultimate control. Manifestly they cannot continue on this footing when the transfer of power takes place. A free India will recruit and control all its own armed forces and all its own civil servants.

Questioned as to the future of the Indian Army in a Press Conference at Delhi, Sir Stafford Cripps replied: 'So far as the new India is concerned, they can have the whole of the Army and everything else.'<sup>2</sup> But that did not mean, of course, that the Army or the other forces could be transferred from one Government to another, lock, stock and barrel, without the members of those forces having anything to say about it. Clearly they would be entitled to terminate their services if they chose, and in that event their pension-rights would have to be secured. In view of the great part which the Indian forces have played in the fight for freedom, this is a matter in which British public opinion will be closely interested.

The position of the Secretary of State's Services will be much the same. Under the sort of constitution outlined in the preceding chapters only a small administrative staff would be required at the Centre and presumably the existing all-India Services would be reconstituted, mainly, no doubt, on a Provincial basis. The new Indian Government might wish to dispense with the services of some or all of the existing members of these Services, whether British or Indian, and they on their side might wish to be freed from their engagements. It is not suggested that they have shown as a whole any lack of sympathy with Indian nationalist aspirations. On the contrary, ever since the beginning of responsible government in 1919, they have served Indian Ministers as loyally as they had previously served their British superiors. Congress Ministers have freely acknowledged that with few exceptions they co-operated wholeheartedly with the new régime initiated in 1937.<sup>3</sup> They can be counted on to acquiesce with the same loyalty in the final transfer of power; but, just as the Indian Government will be entitled to dispense with their services, so they will have a right to choose whether or not to continue rendering them if asked to do so under the altered conditions. That, of course, will apply to the British and Indian

<sup>1</sup> See Part II, 22.

<sup>2</sup> *Ibid.*, 275.

<sup>3</sup> *The Cripps Mission*, 58, note.

members alike, but in the latter case it will still be a question of serving the Government of their own country, while British officials would be serving the Government of an independent and, if it should so choose, a foreign State. In either case, and whether their services were terminated at the wish of the Indian Government or at their own, an equitable financial settlement would have to be made and guaranteed.<sup>1</sup> This should not prove difficult, for the principle at stake can scarcely be a matter of controversy. If precedents were needed, they could be found, perhaps, in the arrangements for the retirement of British members of the Egyptian Civil Service when the Protectorate was abolished.

## 5

One last question remains. What are the British Government's obligations in the financial and commercial field and how are they to be discharged when its powers are transferred?

There is first the obligation assumed when, under the British Government's control and with its backing, India incurred her 'national debt'. Those who invested in those public loans are entitled to an assurance that their interests will not be prejudiced by the transfer of power.

Most of India's public debt has consisted in the past of what has been known as the 'sterling debt' and the 'rupee debt'. The former, raised in sterling and mainly in Britain, amounted in 1937 to £276 million. Owing to the British Government's large expenditure for war purposes in India and for meeting the cost of Indian forces employed outside India, nearly all this debt has now been 'repatriated'.<sup>2</sup> In other words, by way of payment for its purchases and other obligations the British Government has provided the Indian Government with the means of paying off the 'sterling debt' and replacing it by 'rupee debt'. That part of the obligation will thus be unaffected by the transfer of power. The 'rupee debt', raised in rupees and mainly from Indian investors, amounted in 1937 to about £350 million. That debt will remain an obligation of the new Government of India. If there is more than one Government, it will have to be equitably divided, as was done when Burma was separated from India in 1937.

Secondly, it is argued by the representatives of the British resident community in India that the British Government is under an obligation to ensure that their legitimate interests are protected under the new *régime*.<sup>3</sup> They claim—and it is not contested by any open-minded Indian—that, while they have been primarily concerned with the pursuit of their own business interests, they have rendered great services to India. They have been the pioneers of commercial and industrial development, and not only

<sup>1</sup> In securing pension-rights, for example, the constitution should provide for access to the Courts.

<sup>2</sup> See Part II, 276, note 1. By the end of the war with Japan the old financial relationship between Britain and India will have been reversed. Britain will be heavily in debt to India.

<sup>3</sup> See Lord Ormignyle's speech in the House of Lords, July 30, 1942: *Hansard*, H. of L., vol. 124, col. 111-28.

have Indians shared in the ownership and profits of the British firms, but wholly Indian firms, now rapidly multiplying, have been built on foundations laid by British enterprise and experience. British business-men in India, moreover, have been more than business-men. They have taken their full share in the political life of the country—in municipal administration, in the Provincial legislatures, at the Centre—and they have been able to make a valuable contribution to the development of Indian self-government through their communal neutrality and their traditional familiarity with democratic institutions.<sup>1</sup> But, while they have assisted in the growth of self-government, they have long been anxious as to its ultimate results on their own rights and interests. They have heard Indian nationalists prophesying that one of the first results of India's emancipation will be the transfer of all major business in India to Indian hands. They are afraid of being squeezed out by 'discrimination' or even forced out by 'expropriation'. And they conceive and resent the possibility that, despite their long connexion with the country, some nationality law might be enacted which would treat them as 'foreigners' in India and might prejudice their personal as well as their commercial status.

Under the existing régime their position is protected in three ways. (1) As constituting one of the 'statutory minorities', they are entitled to representation through separate electorates in the Provincial and Central legislatures, and in some Provinces they also hold most of the seats allotted to commerce and industry. In Bengal, for example, under the Communal Award, they occupy 25 of the 250 seats in the lower house, and 6 of the 63 in the upper; in Bombay 6 of the 175 seats in the lower house and 1 of the 80 seats in the upper; at the Centre 9 of the 141 seats in the Assembly and 2 of the 58 seats in the Council of State. (2) Again as a 'statutory minority', they are covered by the 'safeguard' clauses of the constitution which charge the Governor-General and the Provincial Governors with a 'special responsibility' for 'the safeguarding of the legitimate interests of the minorities'. (3) There is also a chapter of the Act of 1935,<sup>2</sup> included in that part of the Act which has been in force since 1937, which provides against the exercise in India of discrimination against British subjects domiciled in Britain so long as no similar discrimination is exercised in Britain against British subjects domiciled in India—a measure, in fact, of reciprocity as between British and Indians. This provision was applied to the right of entry into India and of freedom to travel, trade, practise a profession, and so forth, to the taxation of individuals or companies, the granting of commercial bounties or subsidies, the treatment of shipping, and the recognition of professional or technical qualifications.

<sup>1</sup> In recommending the continuance of British representation in the legislatures, the authors of the *Simon Report* wrote: 'The numbers of Europeans in India are no fair measure of the contribution they make to the country or of the influence which they exert. One of the best features of the operation of the Reforms [of 1919] is the way in which European business-men of high standing and experience have contributed to the public life of the country through their membership of the legislatures.' *Report*, ii, 68.

<sup>2</sup> Part V, chap. III, sections 111-21.

Such, is the protection afforded to the British community under the existing law. But the Act of 1935, as explained in Part I of this Report,<sup>1</sup> while it established a constitutional position from which, if all went well, the advance to Dominion Status might be easy and swift, did not confer Dominion Status on India; and there were several provisions in it which would necessarily disappear, whether by obsolescence or repeal, when India did in fact attain Dominion Status. When, therefore, a new stage was reached in the early years of the war, when it was declared in 1940 that the British Government's objective was India's attainment of full Dominion Status as soon as possible after the war, and when in 1942 a plan was put forward by which this objective would be reached as the immediate result of the framing by Indians of an agreed constitution—then all those features in the Act of 1935 seemed to have become already out of date. This was sharply brought home to the British community in the course of Sir Stafford Cripps' elucidation of the Draft Declaration. He explained that the British Government did not regard the British community as one of those 'racial and religious minorities' whose rights were to be protected by the proposed Treaty. He went further. 'We are not going', he said, 'to make any condition in the Treaty as regards guaranteeing the vested rights of British interests in India.'<sup>2</sup> The representatives of the British community took alarm at this. They accepted the general principles of the Draft Declaration and backed Sir Stafford's efforts to obtain an immediate political settlement, but they protested against an interpretation of the Declaration which threatened to deprive them of their status as a 'statutory minority'. Their case was fully stated in a debate in the House of Lords a few months later. They were entitled, it was said, to the same treatment and the same protection as other minorities in India. They did not ask that, because they were British, privileges should be accorded them which were not accorded to Indians. In the conduct of their business they claimed that 'the Briton in India must have the same rights—no less and no more—that an Indian British subject would have in this country'.<sup>3</sup>

The answer to these claims was also stated in the course of the debate. It was not, it was pointed out, from any lack of appreciation of the services which the British community had rendered and could still render to India, that its protection had not been made a binding condition of a new constitutional settlement, nor was it due to any underestimate of the importance of their business as a factor in British overseas trade. It was the direct result of the offer of full Dominion Status, an offer which, as Lord Hailey said, could not in honour or policy be withdrawn. It was highly desirable,

<sup>1</sup> Part I, 148-7.

<sup>2</sup> *The Cripps Mission*, 40. The use of the phrase 'vested rights' was subsequently criticised in the House of Lords. 'The position the European community has won in India', said Lord Hailey, 'has been won by open and fair competition with Indians. . . . Not only has enterprise, financed and conducted by the British community, enjoyed no exceptional privileges, but its profits have, as the noble Lord, Lord Catto, has pointed out, been very freely shared by Indian interests. It is therefore a misnomer, and a prejudicial misnomer, to refer to "European vested interests".' *Hansard*, H. of L., vol. 124, col. 180.

<sup>3</sup> Lord Catto. *Hansard*, H. of L., vol. 124, col. 127.

he argued, that an agreement, particularly on the question of nationality, should be reached by negotiation when the new constitution came to be framed—Sir Stafford Cripps had mentioned the possibility of a commercial treaty—but to insist on the inclusion of 'safeguards' in the constitution 'as a pre-condition to the creation of an Indian Union' was not compatible with the offer of Dominion Status.<sup>1</sup>

That this was the view of the British Government was clearly stated at the close of the debate by the Duke of Devonshire, Parliamentary Under-Secretary of State for India, speaking, as he said, as one who had recently held the corresponding post at the Dominions Office and was acquainted with Dominion precedents.

British commercial interests in Canada, in Australia, in New Zealand or in South Africa are not a matter of no concern to His Majesty's Government in the United Kingdom. On the contrary they are a matter of very vital concern. . . . But that concern was not expressed by means of safeguards or guarantees exacted at the time when the former British Colonies became self-governing Dominions. It is not possible that it should be so. If your Lordships think of it, it is really impossible both to make an offer of complete self-government and to exact guarantees for specified British interests. . . . We mean what we said about India's constitutional future, and that means we have passed from the conception of tutelage to that of a free and willing partnership. Guarantees other than those arrived at by a process of free negotiation are incompatible with equal partnership, and so are all those restrictions upon the freedom which is to be conferred upon India. But that does not mean by any manner of means that the future of British trade with India or the well-being of the British trading community in India is of no concern to His Majesty's Government in the United Kingdom. As I have said, these matters in the self-governing Dominions are of the very closest concern to His Majesty's Government. We deal with them and all safeguards and guarantees by discussion and negotiation as between equal partners. I wonder if any of your Lordships can really doubt which is the better system. The one led to the 'Boston tea-party', the other to the Ottawa Agreements.<sup>2</sup>

This argument seems incontestable. India cannot be a second-class Dominion. The phrase 'full Dominion Status' is often used—it has been used in this Report—but in fact the first word is not needed. Dominion Status *must* be full since the very essence of it is equality, and equality is not a matter of degree.

These considerations apply, of course, to all kinds of British business interests in India, both to the 'external' interests of British shipping firms, insurance companies, exchange banks and so forth operating from Britain and to the 'internal' interests of British companies engaged in production—of jute and tea, for example—or in dealing in goods or services with Indian customers. As regards that last class of business one final comment may be made. If the British Government's policy were other than it is, if it were to refuse beforehand to agree to any constitutional settlement which

<sup>1</sup> *Ibid.*, cols. 183-5.

<sup>2</sup> *Ibid.*, col. 149.

did not meet the claims of the British community, and if—which seems improbable—the Indian leaders were to accept this position, would not the considerations which would apply to the retention of British protection for other minorities apply with no less force to the British community, or with even greater force? Traders everywhere depend on the goodwill of the people with whom they trade; and in India it must be the goodwill not only of business circles but of political circles too. In a free India British traders may expect to be treated as fairly as traders from abroad are treated in any civilised State linked with other States in the commercial network of the world. But, if it could be said that India was something less than free and that for this slur on her nationhood the British traders were responsible, they would soon, it is safe to say, have few Indian customers left to trade with.



## CHAPTER XIV

### INDIA AND THE COMMONWEALTH

#### 1

It is the natural destiny of a free and united India to become a great Asiatic Power; but she cannot achieve it in isolation. For all States, the strong as well as the weak, the doctrine of exclusive, self-sufficient nationalism has been proved to be a dangerous illusion; and it is common ground that the peace and prosperity of the post-war world will depend on the extent to which the nations can combine for the purposes of common defence and economic co-operation. No one can yet delineate the form which the international system of collective security and welfare will take, but it seems to be agreed that within any general system there will be groups or partnerships of nations which are associated, more or less closely as the case may be, as the result of historical and geographical factors. One such group will be the British Commonwealth of Nations. But, if association rather than isolation is to be the principle of the new international order, the nations, of course, will be free to choose their associates. That freedom already exists in the British Commonwealth. The tragedy of the War of American Independence will never be re-enacted. Since 1926 the 'free association' of the members of the Commonwealth has been generally interpreted as implying freedom to dissociate, and this implication was made explicit by the Draft Declaration of 1942. The proposed treaty between Britain and India 'will not', it ran, 'impose any restriction on the power of the Indian Union to decide in the future its relation to the other Member States of the British Commonwealth'.<sup>1</sup> This sentence was underlined by Sir Stafford Cripps at one of his Press Conferences at Delhi. 'The Union', he said, 'will be completely free either to remain within or to go without the Commonwealth.' To the question 'Will the Indian Union have the right to enter into a treaty with any other nation in the world?' he answered 'Yes'.<sup>2</sup>

India, then, will be free to choose her partners. If sentiment alone were to determine the choice, many Indians might naturally think first of Asiatic countries, particularly China, and this trend is likely to be most marked in those nationalists who react most violently against India's old connexion with the West. Pandit Jāwaharlal Nehru has suggested, failing a World Federation, 'a Federation with our neighbours—China, Burma, Ceylon, Afghanistan, Persia'.<sup>3</sup> But will not the practical purposes of the partnership—security and economic welfare—require a wider and stronger international combination than that? The war has shown that the security of India is linked up with the security of the whole area of the Indian

<sup>1</sup> Part II, 837.

<sup>2</sup> *Ibid.*, 275.

<sup>3</sup> *The Unity of India* (London, 1941), 389.

Ocean. India is not safe unless all the strategic outposts of that area are safe. An Indian defence system, therefore, must extend south-eastwards far beyond Burma and Ceylon. It must cover Malaya, Siam, and Indo-China and the great arc of islands and air-bases which stretches through the Dutch East Indies to the Philippines on one side and to Australia and New Zealand on the other. And the approaches from the West must likewise be safeguarded—the Suez Canal, Aden, the east coast of Africa, Madagascar, Mauritius. Of such a security system for the Indian Ocean area India would be the central stronghold and strategic base; and in course of time, with the development of her own military and industrial resources, she would play the major part in its operation.<sup>1</sup>

The safety of the Indian Ocean is not only India's interest. It is an indispensable element in the whole structure of world security. It vitally concerns the British Commonwealth, since the Indian Ocean is the highway from Britain and South Africa to Australia and New Zealand. It concerns only less immediately the United States, since the control of the eastern outposts of the Indian Ocean enables an aggressor to make a bid for the mastery of the Pacific. Hence any arrangements that may be made for the defence of India itself are not only India's business. The treaty suggested in the preceding chapter under which Britain would assist for the time being in the defence of India would have to form part of a general agreement for world security between the United Nations as a whole. The British forces stationed in India under such a treaty, and India's own defence forces likewise, would thus be not only the instruments of British and Indian policy but an essential contribution to that world-wide system of security in which, it is to be hoped, all the free nations will take part.

Similar considerations apply to the question of co-operation for economic welfare. There again India cannot stand alone. It is not only or chiefly a matter of obtaining markets for her surplus production. To become the Great Power she could become, India, like China, must make the most of her own natural resources and press on, as fast as possible, with a long-term programme of economic development. On the industrial side that development is again more than an Indian interest, since India's industrial 'war-potential' will be one of the main foundations of an Indian Ocean security system. And for industrial development, as for defence, she will need for the time being assistance from outside—in the provision of capital plant, in the training of technicians, and by way of expert advice and collaboration on the part of old-established foreign firms. Thus, for economic welfare as well as for security, free India will want to share in some system of international co-operation.

These questions of the future cannot be followed up in detail in this Report. Its subject is the constitutional problem in India. It is con-

<sup>1</sup> For an interesting suggestion for an Indian Ocean Security Council see *India and the Indian Ocean Region* by 'Tabloid' in *Agenda* for August 1948. See also K. M. Panikkar, *The Future of South-East Asia* (London, 1948).

cerned with the internal affairs of India, not with her external relations. But there is one aspect of those external relations which bears directly on the internal problem. For the main crux of that problem, as has been seen in previous chapters, is the difficulty of obtaining an intercommunal agreement as to the character and composition of the Centre. If any Centre, it was argued, were to be made acceptable to the Moslem League, it would have to be a 'weak' Centre, dealing only with a minimum of 'subjects'—foreign policy, defence, tariffs, currency and also, if it were desired, communications. Now it is worth observing that all these 'subjects' except communications—and communications too, if they are regarded from the standpoint of defence—are affected by the need for international co-operation. Because of that the management of them cannot well be governed solely by Indian interests and opinions. Indian foreign policy and defence, in particular, will have to be adjusted to a collective system of international security. The more closely-knit that system proves in the event to be, the more strictly will India's share in it be decided by agreement with the other nations concerned rather than by purely self-interested and isolated action. If in course of time the core of such a co-operative system should harden into a federation, then India's foreign policy and defence would not be controlled by India but by the Federal Government in which she would have her place beside the other national units. Do not these considerations bear directly on the problem of the Centre? Can the Centre, in the light of them, be regarded as an arena of Hindu-Moslem conflict? Surely the fear that Central policy may be dominated by communal interests must seem less substantial when it is understood that in fact Central policy will be largely determined by agreements made and responsibilities undertaken in accordance with the new international order.

## 2

If India wants Britain's co-operation until she can defend her frontiers and maintain her industrial equipment without help from outside, she can have it, whether she decides to remain within the British Commonwealth or not. Britain would doubtless be willing to make with a wholly separate India the same sort of arrangements she has made with Egypt and Iraq. In India's case, as in theirs, security is a matter of mutual interest. So, of course, is economic co-operation. But in the British desire to retain the closest possible relationship with a free India, in the British hope that India will choose to stay within the Commonwealth, there is much more than material interest. It is a question of principle, and it is a question of sentiment.

It is a question of principle because the British people believe that the Commonwealth is the most useful contribution so far made towards combining the twin ideals of freedom and unity in the international world.

To yield to the natural growth of freedom and yet to preserve a living and effective unity has not always been easy. It has been easier with those nations which, mainly of British stock and the outcome of British settlement, have, so to speak, grown up within the Commonwealth. It has been more difficult with those nations or sections of them which were brought into the Commonwealth by conquest. But with them, too, there has been a substantial measure of success. For a long time past the French-Canadians have been at least as anxious as their British fellow-citizens to remain within the Commonwealth. The war and General Smuts have finally determined the allegiance of most Dutch-speaking South Africans. Only for Eire has freedom meant separation—at least for the time being—and no historian can fail to understand the exceptional reasons for that exception. Now India stands, of course, on the difficult side of the line. Directly or indirectly she came into the Commonwealth under compulsion. And in her case the greater difference in size and race, in history and ways of thought and life, and the far wider measure of British control and its continuance into a period when nationalism became a far more fiery force in the world than it had ever been before—all that makes it much harder for India than it has been for the other nations to 'find full satisfaction', as Mr. Churchill put it at the Guildhall, 'within the British Commonwealth of Nations'.<sup>1</sup> Yet the British people earnestly desire that she should. For, if she does, the Commonwealth will become a much more impressive and fruitful example of international association that it can ever be if all the associates are wholly or mainly European. It will form a bridge between Europe and Asia. It will enable, as nothing else could, the Governments and peoples of the Old World and the New to know and comprehend and make allowance for each other. It will 'stand unique in the world'—these are an Indian statesman's words—'for the reconciliation of East and West'.<sup>2</sup>

It is a question of sentiment too. The British connexion with India began more than 800 years ago. For 150 years it has been so close that British history and Indian history have been woven together. And the British people believe that on the whole their part in it has been well played. Many of their most capable and high-minded fellow-countrymen have spent the best of their lives in trying according to their lights to serve the Indian people. There are one or two black pages on the record. There was a period of economic selfishness, of which the outstanding feature was the cotton excise-duties. There have been mistakes and shortcomings in policy, in administration, in behaviour, but they have seldom been crimes. The British Raj on the whole has been just and humane. Its faults have been chiefly negative—an insular aloofness, an insensitiveness, a want of imagination. There has been no lack of sympathy with the needs of the Indian masses, nor, when the time came, with the political aspirations of the educated classes. Some fifty years ago, it is true, the British people were

<sup>1</sup> *The Times*, July 1, 1948.

<sup>2</sup> Mr. Srinivasa Sastri. Part II, 806, note 1.

infected with a kind of imperialism which, though it had an idealistic side, was mainly interested in the size and power of an Empire 'on which the sun never set'; and in those days the old vision of an emancipated India faded into the background. But that was a passing phase, and since the first decade of this century British thoughts about India have been the thoughts of the statesmen and officials of an earlier age—thoughts, like Henry Lawrence's, of India being 'brought into the scale of nations' and becoming Britain's 'noble ally' or, like Macaulay's, of India's ultimate demand for self-government marking 'the proudest day in English history'.<sup>1</sup>

The sincerity of the British desire that India should be free will be proved when the constitutional settlement is achieved and the final transfer of power accomplished. May not that temper the mood of those Indian nationalists who want to break the British connexion at once and for good? Their antagonism has been quickened by a disbelief in British intentions and embittered by the harsh experience of conflict and repression. In the minds of some Indians the sonso of subjection has bitten so deep that they want, as it were, to cut themselves away from their past by severing all relations with their sometime rulers. But it must be remembered that this growth of anti-British sentiment, like the accentuation of Hindu-Moslem discord, is a relatively recent development. Not so long ago the Congress under Mr. Gokhale's leadership, while pressing for a faster pace, was willing to work with the British Government in carrying out its programme of constitutional advance. It was not till 1921 that under Mr. Gandhi's leadership it took the path of non-co-operation and altered the first article of its constitution so as to define its objective not as 'the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire', but simply as 'the attainment of *Swarajya*'.<sup>2</sup> Nor was this new phraseology intended to rule out the acceptance of Dominion Status. At the Round Table Conference in 1931 Mr. Gandhi himself interpreted *Swaraj* as permitting a partnership with Britain.

The Congress contemplates a connexion with the British people—but that connexion to be such as can exist between two absolute equals. . . . I have aspired—I still aspire—to be a citizen, not in an Empire, but in a Commonwealth; in a partnership if possible—if God wills it, an indissoluble partnership—but not a partnership superimposed upon one nation by another. Hence you find here that the Congress claims that either party should have the right to sever the connexion, to dissolve the partnership.<sup>3</sup>

Those words were spoken only twelve years ago. Have the British people so changed their character in that short time as to seem no longer worthy partners of the Indian people in Indian patriots' eyes?

Moslem statesmen have also in the recent past declared their satisfaction with the prospect of Dominion Status. In his speech at the opening

<sup>1</sup> Part I, 18, 20. . . . <sup>2</sup> *Ibid.*, 37, 67.

<sup>3</sup> *Ibid.*, 126.

of the first session of the Round Table Conference, Mr. Jinnah drew attention to the presence of representatives from the Dominions.

I am glad that they are here to witness the birth of a new Dominion of India which would be ready to march along with them within the British Commonwealth of Nations.<sup>1</sup>

'Complete independence', wrote Sir Sikander Hyat Khan in 1930, 'does not necessarily connote a severance of connexion with Great Britain', and he suggested to Indian champions of 'international brotherhood' that their object can perhaps be best achieved if India remains an equal and free partner within the comity of nations which constitute the British Commonwealth. It does not require much reasoning to show that India with its vast manpower and resources should in time become an influential and even dominant partner in the British Commonwealth and will thus be in a far stronger position to assert its influence in international affairs than it could as a single isolated unit.<sup>2</sup>

There are many other Indians who have not been affected by the recent growth of anti-British feeling. They have not forgotten the debt which they or their fathers have owed to British friends and teachers. They have kept their faith in the sincerity of British promises, and have acquiesced in the 'gradual' attainment of self-government. When at last it is fully attained, they will not want to turn their backs on the people with whom they have co-operated in administration, in the army, in business. And this applies at least as forcibly to Indian as to British India. The Princes may share in the material or sentimental considerations which prompt individuals or groups outside the States to desire to remain within the Commonwealth, but they will have a peculiar incentive of their own in the genuine personal devotion which many of them feel towards the Crown.

It is clear, then, that a decision to secede from the Commonwealth could not be a unanimous decision, and for that reason it seems probable that those Indians who favour it will not want to force the issue. The freedom of India can only be won by achieving through compromise and concession an internal settlement, and, when it is won, the maintenance of that settlement will be far more important than any question of external relations. Those Indian patriots who feel uncomfortable in a partnership with Britain and the Dominions, however free and equal and however useful, will surely hesitate on that account alone to split the new-found unity of India. Will they not remember how much Mr. De Valera might have done to promote the unity of Ireland if he had left his republican doctrines on the shelf and accepted, like his predecessor, full membership of the Commonwealth? Will they not wait, before making up their minds, to see how free and equal and useful the partnership proves in fact to be?

<sup>1</sup> *Indian Round Table Conference* (Nov. 12, 1930 — Jan. 19, 1931), Cmd. 3778, p. 29.

<sup>2</sup> *Outlines of a Scheme of Indian Federation*, 5, 10.

## CONCLUSION

It is a heartening pursuit to discuss the possibilities of an Indian settlement, to sketch on paper the outlines of a constitutional edifice in which it seems possible that Provinces and States, majorities and minorities, might live happily together, still more to imagine India, free yet still united, playing the great part that awaits her in the international world. For it almost creates the illusion that the possible has become actual, that the problem has been solved, that the goal which both the Indian and the British peoples desire to attain has been in fact attained. Is it equally disheartening to turn away from speculation about tomorrow and look again at the hard realities of today? To all appearance the deadlock is as unbreakable as ever. The Congress leaders and several thousands of their followers, unwilling, it seems, to abandon Mr. Gandhi's method of 'taking delivery' by means of 'open rebellion', are still in custody. The leaders of the Moslem League reiterate their claim to break up India in sharper tones and on more uncompromising terms. Little seems at the moment to have come of the attempts to establish a Hindu-Moslem *modus vivendi* in some of the Provinces. Terrorism is still plotted underground, though the Japanese are still on the frontier. And on all hands, it is said, the sense of frustration and resentment deepens. Can it be supposed, the pessimists will ask, that India in such a mood is really on the eve of a great achievement of constructive statesmanship? Must it not be admitted that, for the present at any rate and probably for some time to come, the problem is insoluble?

The pessimists may be right, but an historian cannot wholly yield his mind to their forebodings. For he knows that it has often been the unexpected thing that happened and that there is some truth in the familiar saying about the darkest hour and the dawn. Often enough in history the very badness of a situation has compelled its remedy. Only when a position seemed desperate were men forced, as it were, to do what needed doing. Some of the most striking examples of such eleventh-hour salvation are associated, as it happens, with the question of national unity and freedom; and three of the most notable of them are to be found in Anglo-Saxon history—in the great English settlement of 1689, in the union of England and Scotland in 1707, in the creation of the United States of America in 1787.

If Indian politics seem bad enough today, English politics, on the very eve of the great settlement, were very much worse.

The conduct of Whigs and Tories between 1678 and 1685 is so mad and bad that it is a psychological puzzle to recognise any of the better elements usually found in the English political character—humanity, decency or com-

mon sense. Whigs and Tories act like the nervous and hot-blooded factions of a South European race. They rant, scream, bully, assassinate men by forms of law, study no interest but their own, and betray even their own interest through sheer folly and passion. Yet, a few years later, those same men took part in making and observing the Revolution Settlement, the most English thing that ever was done—if, indeed, it is English to take stand on good sense, compromise and toleration.<sup>1</sup>

If political morale was better at the time of the Anglo-Scottish union, the international situation was quite as bad. Union, as the historian just quoted has pointed out, was necessary not 'because English and Scots were in a friendly mood', but because of 'the badness of the terms on which the two nations were living'.<sup>2</sup> So determined were the Scots on separation from England that they seemed to be preparing to fight for it, and this at a time when the dominant power on the continent was threatening to invade the island. A Franco-Scottish alliance was by no means inconceivable, and, if it had been concluded, the whole course of European history might have been changed. That this did not happen was due to the wisdom and forbearance of a few English and Scottish statesmen. In the course of two or three years the whole position was transformed. Instead of breaking away from England, Scotland was joined with her, not in a federation only, but in a complete parliamentary union. And the unity thus swiftly, almost wonderfully, attained has become so real that the old enmity is now quite forgotten. Not only have England and Scotland become one united kingdom: the English and the Scots, without losing their distinctive character and traditions, have become one British nation.

Protected by the breadth of the Atlantic from the menace of European despotism, the thirteen American States were in no immediate danger of losing the independence they had won in 1783. But they could make no proper use of it. In particular they could not control their political or economic relations with the outer world. They could not speak as a nation at foreign courts. They could not even secure the fulfilment of the treaties their representatives had signed. Foreign statesmen prophesied that the misbegotten child of revolution would have a poor life and a short one. And, indeed, so disastrous were the effects of their inability to exercise a common control over their foreign trade that it seemed as if the States were drifting fast into financial chaos and commercial bankruptcy. A great future for a free America was regarded as 'one of the idlest and most visionary notions that ever was conceived even by writers of romance'.<sup>3</sup> It seemed far more likely that the Americans would ultimately lose their freedom. Yet again the very gravity of the disease produced its cure. The needful thing was done because the only alternative was catastrophe. A few hard-headed men by their four months' work at Philadelphia created

<sup>1</sup> G. M. Trevelyan, *The English Revolution, 1688-1689* (London, 1898), 87.

<sup>2</sup> G. M. Trevelyan, *Ramillies and the Union with Scotland* (London, 1892), 174.

<sup>3</sup> H. Taylor, *The Origin and Growth of the American Constitution* (New York, 1911), 169.



the United States and set their country firmly on the road to its 'manifest destiny'.

In all these cases the sheer necessities of the situation compelled a compromise. Is the present situation in India any less compelling? The need for unity in some form to forestall the disastrous results of disunion is the same. Nor is the analogy invalid because it is not to preserve her freedom but to obtain it that compromise and settlement are necessary in India. Is not the desire of every educated Indian to see his country standing on an equal footing with other countries in the world as cogent an emotion as that which inspired those Englishmen and Scotsmen and Americans to do what had to be done?

'We are on a conspicuous stage, and the world marks our demeanour.' Those were Burke's words. The date was 1783. The occasion was a debate in the House of Commons on a bill which sought to impose on a great part of India the kind of rule that seemed appropriate to its British rulers. Times have changed. The place in which India's destiny is to be decided has been moved away from Westminster. It is with Indian statesmen now that the decision rests. But the stage is still conspicuous, much more conspicuous, indeed, than it was in Burke's day, and a much wider world is watching. All India will mark and remember what the actors do at this the greatest crisis in their country's history; and other peoples too are in the audience. At previous periods in India's political advance public opinion in foreign countries cared little and knew less about what happened; and, if anything went wrong, it seemed enough to say that it was Britain's fault. But the position is altered now. There is less indifference among other peoples about the course of events in India, and they are making it their business to understand it better. For they know that India might all too easily become in Asia what the Balkans have been in Europe, a focus of instability and intrigue and the potential breeding-ground of another World War. Thus India's capacity for practical statesmanship has been put to public test as never before. She has been challenged to show the world what she can do now and what she may hope to do when she takes her promised place in the society of nations.

## SUMMARY OF PART III

1. The political situation in India in August 1948 is little changed from what it was at the end of 1942. The impulse of rebellion has spent its force, but the deadlock continues. The Congress leaders remain in custody, and there is no evidence to show that they are prepared to abandon Mr. Gandhi's desperate policy. The leaders of the Moslem League continue to insist on Partition, and its hold on Moslem opinion has grown stronger. 'League Ministries' have been installed in Bengal, Sind and the North-West Frontier Province. The 'Congress Provinces', still under Governors' rule, have been reduced to five out of eleven. The possibility of forming Congress-League coalition Governments in these Provinces has been discussed.

2. The cause of the deadlock has been diagnosed in Part II. It may be summed up as the refusal of the majority of the Moslems to acquiesce (i) in the re-establishment of 'pure' Congress Ministries in the Hindu-majority Provinces, and (ii) in any constitution which makes possible a Hindu majority at the Centre. In its present extreme form League opinion, more than ever dominated by Mr. Jinnah, refuses to contemplate any Centre at all. It maintains that the Moslem 'national homelands' must constitute completely separate independent States.

3. The solution of the deadlock lies wholly in Indian hands. The British Government has undertaken to accept any constitution on which the major elements in Indian politics are agreed. For drafting the constitution the Congress scheme for a great Constituent Assembly directly elected on an all-India basis seems inappropriate. The Convention should be as small as practicable and its members should be chosen as representatives of their respective Provinces and States.

4. Whether India remains united or is partitioned, the Provinces will presumably retain a wide measure of autonomy. Except for the purposes of Partition the rectification of Provincial frontiers is not an urgent question.

5. As regards the Provincial constitutions (which need not be identical), it seems probable that the composition of the legislatures will continue to be based on communal representation and, for the present at any rate, on separate electorates. This last device virtually rules out such other devices as proportional or functional representation or indirect election. Second chambers do not seem to contribute much to the solution of the communal problem.

6. The greatest possible use will doubtless be made of 'safeguards' for minorities—general safeguards, such as a declaration of rights or such provisions as figure in the European Minority Treaties; political safeguards, such as the requirement of more than a bare majority for decisions; cultural safeguards, such as the cultural autonomy laws of Russia or Estonia. It is essential that the safeguard clauses of the constitution should be incapable of alteration without the minorities' assent and should be easily enforced by the Courts. The success of the new régime will mainly depend on the sovereignty of the law.

7. For securing a communal settlement the treatment of the executive is more important than anything else. What the minorities need is not so much protection against the abuse of power as participation in its exercise. It is therefore suggested that the Provincial Governments should be statutory coalition Governments, and that, in order to give them greater stability, they should not be responsible to the legislature from day to day. On this point the character and operation of the Swiss constitution in respect of the Federal executive seem worth examination.

8. The chief crux of the constitutional problem is not in the Provinces, but at the Centre. It is mainly because in an all-India federation, as hitherto conceived, the four Moslem-majority Provinces would be outweighed by the seven

Hindu-majority Provinces that the Moslem separatists insist on Partition as the only means of escaping from a 'Hindu Raj' and of acquiring an equal 'national' status with that of the Hindus. They also claim that the division of India into dominantly Moslem and Hindu States would solve the communal problem (though they would inevitably include minorities numbering many millions), that it would enable the former to establish closer relations with neighbouring Moslem States beyond the north-west frontier and so lighten the task of its defence, and that it alone can save Moslem society from economic subjection to Hindu capitalism.

9. The scheme of Partition contemplates two Moslem States in the Moslem-majority areas—'Pakistan' and 'North-East India'. The first difficulty in realising Pakistan is the problem of the Sikhs. The second and greater difficulty is the cost of defending the north-west frontier. In other respects Pakistan could finance itself from its existing or potential resources, but it could not maintain defence at its present level nor even at a necessary minimum without cutting down expenditure on social advancement. The financial viability of North-East India would depend on whether Calcutta were included in it or not. If not, North-East India would be no more than a weak appendage of Pakistan. But all such material considerations are likely to be overridden, and Partition adopted at any cost, unless Moslem nationalist sentiment can somehow be satisfied in a united India.

10. India is a geographical unit: it is not divided by such physical barriers as have fostered the growth of separate nations in Europe. Its unification under British rule has not only made all Indians feel themselves to be Indians; it has saved India from the fate which political and economic nationalism has brought on Europe. The Partitionists threaten to throw India back to the condition it was in after the break-up of the Mogul Empire, to make it another Balkans. This would negate the development of democracy in India. Partition would also prevent a free India from taking her due place in the world as a great Asiatic Power; for it would probably mean disruption into several States ranking with Egypt or Siam.

11. History shows that nations can realise their nationhood without being wholly independent States. That was the purpose of Sir Muhammad Iqbal's scheme (1930) for combining the Moslem-majority Provinces in a Regional unit. Sir Sikander Hyat Khan developed this idea in his scheme (1939) under which the Provinces and States would be grouped in seven Regions in which they would deal with certain common affairs and through which they would be represented at the Centre.

12. It is suggested that the principle of Regional demarcation should be economic, not political. The natural division of India for the purposes of economic development is by river-basins. (The possibilities of such development have been shown by the achievements of the Tennessee Valley Authority in the United States.) Under a river-basin scheme India would be divided into four Regions, in two of which Hindus would predominate and in two Moslems. That would mean an even communal balance at a Centre based on the Regions.

13. Regionalism would fulfil the main objective of the Pakistan policy—the consolidation of the Moslem 'national homelands'. But Regionalism might not seem so essential politically or economically for the Hindu-majority Provinces. They might be willing, however, to group themselves in Regions for the purpose of representation at the Centre.

14. The strength of Moslem 'nationalism' necessitates a 'weak' Centre or none. (i) The scope of the Centre's powers could be confined to foreign affairs and defence, tariffs, currency and communications. (The inclusion of communications is manifestly desirable, but not an absolute necessity.) (ii) The representatives of the Regions would come to the Centre not on an all-India footing but solely as the agents of their Regions with mandates from their Governments and legisla-

tures. (iii) Only a relatively small Central executive and legislature 'would be needed. The executive might be elected and hold office in accordance with' the Swiss model. (iv) Most of these considerations would hold good if Regionalism were not adopted and the Centre were based on uncombined Provinces and States.

15. A Supreme Court for all India is indispensable. The part it will play as guardian of the constitution under the new *régime* will be of the utmost importance. Presumably its powers will be similar to those of the existing Federal Court.

16. Partition between Hindu and Moslem units is not the only possible form of disruption. Though the Princes have expressed no wish for Partition, they would prefer it to subjection to a Congress Raj, and the Indian States might conceivably form a separate Dominion or Dominions which would have as good a prospect of viability as Pakistan. *Inter alia* the creation of a States Dominion would involve the abrogation of the existing treaty system which is incompatible with Dominion Status.

17. Though the interpretation of the treaties must take account of 'usage' and sufferance and of changes of circumstance, and moral ideas over a long period of time, the Princes appear to regard them as the main guarantee of their princely rights and of the territorial integrity and autonomy of their States. For that reason, if Partition proved unavoidable, they might prefer not to create a States Dominion but to retain the suzerainty of the Crown and the continued protection of the Paramount Power. Such an arrangement seems plainly undesirable. It would involve the stationing of British troops on Indian soil not merely for aid in external defence but also for maintaining internal security, and it would expose the Princes to the charge of frustrating the national destiny of India simply in order to preserve their autocratic powers. Nor will the British people permit the use of British troops anywhere to prevent the evolution of constitutional government.

18. Happily it seems easier for British India and the States to attain a constitutional agreement for maintaining the unity of India than it is for the Hindu and Moslem communities. Such an agreement would replace the treaty guarantees by the guarantees of the constitution. Paramountcy would disappear except, perhaps, for the purpose of settling succession disputes. It is essential that the association of the States with the Provinces at the Centre should not upset such intercommunal balance as has been established for British India. If a Regional system were adopted, it would be in the economic interests of the States to participate in it. If they did not, they might be willing to be grouped with Provinces in Regions solely for the purpose of representation at the Centre. It is suggested, finally, that the Princes might take the initiative in promoting the cause of national unity.

19. If a constitutional settlement is attained, the final transfer of power will be subject only to the fulfilment of British obligations. The first of these arises from the incapacity of India for the time being to defend herself unaided. It has been suggested that a free India might wish to conclude a treaty with Britain providing for temporary assistance in defence. The Anglo-Egyptian Treaty of 1886 furnishes a precedent. British forces stationed in India under such a treaty would be for external defence only and not for the maintenance of internal security.

20. Besides the obligation towards the Princes discussed above, there is an obligation to ensure that the rights of minorities are safeguarded. The proposal in the Draft Declaration of 1942 that this should be met by a treaty seems open to criticism as being out of harmony with Dominion Status, difficult to operate in practice and likely to prejudice a final settlement of the communal dispute and to engender majority resentment towards the minorities. If the proposal

were reconsidered by the British Government and the minority leaders, they might come to the conclusion that the only valid safeguard of minority rights in a free country is not to be found in any external authority but only in the law of the land.

21. The ultimate responsibility for the welfare of the backward people of the 'excluded areas' has continued to be vested in Parliament. It is suggested that the administration of the hill tracts of Assam might possibly be associated with the system of frontier-defence. The administration of the other backward areas, while directly in the hands of the Provincial Governments concerned, ought, it is submitted, to be financed and controlled by the Regional Governments if Regionalism were adopted, otherwise by the Centre. The continuance of the work of Christian missions in these areas should be guaranteed.

22. The Indian Army, Navy and Air Force and the Secretary of State's Services have been recruited under the authority of the British Government, which is thus under an obligation to secure their future interests. When the final transfer of power takes place, the members of all these bodies will be entitled to terminate their service if they choose, and in that case an equitable financial settlement must be made and guaranteed.

23. British financial obligations have already been met by the repatriation of the 'sterling debt'. By the end of the war India will be a large-scale creditor of Britain. As to the rights of the British resident community, the British Government has pointed out that it would not accord with the offer of Dominion Status to make the satisfaction of their claims a prior condition of a settlement. The interests of British business in a free India can only be protected by freely negotiated agreements.

24. It has been laid down that, when India becomes a Dominion, she will be free to choose whether to remain within the British Commonwealth or to secede. Both for security in defence and for economic development India will need to be associated as a partner in an international group (which means that policy at the Centre will be governed to some extent by international undertakings). Not only on material grounds but also as a matter of principle and of sentiment, the British people hope that India will be satisfied with partnership in the Commonwealth. Many Indians share that hope, and it seems probable that a free India will wait and see how that partnership works in practice before making her final choice.

# APPENDIX I

## STATISTICS OF POPULATION AND COMMUNITIES

TABLE I  
INDIA: POPULATION, 1941

	Males	Females	Total
British India . . . . .	153,045,000	142,782,000	295,809,000
States and Agencies . . . . .	47,883,000	45,090,000	93,189,000
Total . . . . .	200,928,000	187,872,000	388,998,000

TABLE II  
INDIA: PRINCIPAL COMMUNITIES, 1941  
(All figures are given in thousands)

Province or State	Hindus other than Scheduled Castes	Scheduled Castes	Moslems	Christians	Sikhs	Total Population
Madras . . . . .	34,731	8,068	3,896	2,047	0.4	49,342
Bombay . . . . .	14,700	1,855	1,920	375	8	20,850
Bengal . . . . .	17,680	7,379	33,005	166	16	60,307
U.P. . . . .	34,095	11,717	8,416	160	232	55,021
Punjab . . . . .	6,302	1,249	16,217	505	3,757	28,419
Bihar . . . . .	22,174	4,340	4,716	35	13	36,340
C.P. . . . .	9,881	3,051	784	59	15	16,814
Assam . . . . .	3,537	676	3,442	41	3	10,205
N.W.F.P. . . . .	180	—	2,789	11	58	3,038
Orissa . . . . .	5,595	1,238	146	28	0.2	8,729
Sind . . . . .	1,038	192	3,208	20	31	4,535
Total, British India . . . . .	150,890	39,921	79,399	3,482	4,165	295,809
Hyderabad(a) . . . . .	10,382	2,928	2,097	220	5	16,339
Mysore(a) . . . . .	5,282	1,405	485	113	0.3	7,329
Travancore(a) . . . . .	3,146	396	434	1,960	—	6,070
Kashmir(ab) . . . . .	694	113	3,074	4	66	4,022
Gwallor(a) . . . . .	3,463	—	241	2	2	4,006
Baroda(a) . . . . .	1,963	231	224	9	0.6	2,855
Total, States and Agencies . . . . .	55,227	8,892	12,660	2,834	1,526	93,189
Total, India . . . . .	206,117	48,813	92,058(c)	6,317(d)	5,691	388,998

(a) The six States that appear here are those with the largest population.

(b) Including feudatories.

(c) The total population of India recorded by communities at the Census of 1941 was 388,687,000. The remainder, 2,881,000, consists of persons in the North-West Agency and tribal areas beyond the administered border, whose community could not be ascertained. The conditions of the region, however, indicate that they may be regarded as Moslems. If they are counted as Moslems, the total number of Moslems in India becomes 94,889,000.

(d) The figures for Christians given in the Census overlap with those for Tribes. Allowing for this, the total number of Christians is estimated at 7,350,000.

## APPENDIX II

THE ESTONIAN CULTURAL AUTONOMY LAW OF FEBRUARY 5, 1925<sup>1</sup>

This law consists of thirty-one paragraphs, of which the first declares the autonomous institutions of the national minorities to derive their authority from the same Estonian legislation as authorises the establishment of local self-governing institutions. Like the latter, the minority institutions can act only in accordance with the law of the land.

Para. 2. The competence of the minority autonomous institutions includes :

(a) The organisation, administration and supervision of the public and private educational establishments of the minority in question.

(b) The care of the other cultural needs of the minority concerned and the administration of institutions and undertakings created to this end.

The self-administration of the welfare institutions of the minority is regulated by a special law.

Para. 3. The cultural autonomous administration is entitled to enact bye-laws, binding on its members, within the sphere defined in Para. 2.

Para. 4. The public school organisation of the minority is determined jointly by the minority-administration and the local authorities concerned, and confirmed by the Government on the motion of the Minister of Education, who also acts as umpire should the minority-administration and local authorities disagree. Existing public schools with the language of instruction of the minority come under the control of the minority authorities. When a minority school is opened, or taken over, the State decides what subsidies or other services shall be provided for it by the local authorities.

Para. 5. The organs of the national autonomy of each minority are its Cultural Council and its Cultural Administration. Subordinate institutions with local competence may also be created.

Para. 6. The financial resources of the autonomous institutions are drawn from the following sources :

(a) Payments and other services made by the State for public elementary and secondary schools.

(b) Similar payments, etc., made by the local authorities, as decreed by the State.

(c) Subsidies for cultural purposes from the State and autonomous authorities.

(d) Public taxes levied, if necessary, on its members by the National Council; the rate and basis of such taxation to be authorised by the Government on the joint motion of the Ministries of Finance and Education.

Para. 7. The local authorities are released from the obligation to provide instruction for the minority wherever the minority itself has assumed this duty.

Para. 8. Under 'Minority' within the meaning of this law is understood the German, Russian and Swedish minorities, and any other minority numbering not less than 8,000 persons.

Para. 9. Membership of a minority is determined by a national register, on which Estonian citizens of the above minorities may enter their names if at least 18 years of age. Children under 18 follow the nationality of the parents. If the parents are of different nationality, the nationality of the child is decided by agreement between them; failing such agreement, the child follows the nationality of the father. A child reaching the age of 18 must register within a year if he wishes to belong to the minority.

<sup>1</sup> See H. Kraus, *Das Recht der Minderheiten* (Berlin, 1927), 191ff.

Para. 10. The names of members are erased from the register (a) on death, (b) on loss of Estonian citizenship, (c) on their own request. In cases (b) and (c) they must fulfil their financial obligations up to the end of the current year. Members leaving the register under (c) may apply for readmission; but the autonomous authorities have the right to refuse the request.

Para. 11. Voting members of the minority are registered members of full age entitled to vote in communal elections.

Para. 12. Membership of the minority does not exempt any person from his obligations as a citizen or from his local obligations.

Para. 18. If, for unavoidable reasons, members of a minority make use of State or local institutions when they possess such institutions of their own, subsidised out of public funds, the minority autonomous institutions must defray the cost.

Para. 14. The Government may dissolve the Cultural Council, when a new Council must be elected within three months.

Para. 15. The minority institutions are dissolved :

(a) if the Cultural Council so decides, by a two-thirds majority, or

(b) if the membership of the minority sinks below 3,000, or if the registered adult membership falls to below 90 per cent. of the total of the minority as shown by the last census.

Para. 16. Minorities wishing to set up autonomous institutions inform the Government to that effect.

Paras. 17ff. regulate the elections to the first Cultural Council, laying down a procedure analogous to that of the compilation of ordinary voting lists. If less than 50 per cent. of the persons registered as voters take part in the election, no Council is elected, and no further application can be entertained for three years. If a sufficient number of voters take part in the election, the President of the Committee appointed for the purpose (designated by the minority and confirmed by the Government) arranges for the election of the Cultural Council, which again has to decide whether it wishes to exercise the autonomy envisaged. If it does so decide by a two-thirds majority, the State declares the autonomy to be in force, and must take all the necessary administrative steps within four months. If this majority is not obtained, the Council is dissolved, and no further application may be made for three years. The costs of the election are borne by the minority.

Para. 81.\* In regions where a minority is in a local majority, the State may establish a local national-cultural self-government for its subjects who are Estonians by nationality.

The explanatory statement which accompanies this law is in many respects more interesting, and indeed more illuminating, than the law itself. In a preamble it points out how other States, notably Russia, had failed to solve the problem of the co-existence of various nationalities within its frontiers. If the principle of the equality of rights of all citizens is to be effective, then every member of a minority in a State must have the same possibilities of national-cultural development as the majority. And clearly each people knows its own cultural needs best.

Two fundamental articles of the Estonian constitution are quoted :

(a) 'All Estonian citizens are equal before the law. Differences of birth, religion, sex, status or nationality cannot be the cause of any favour or discrimination in public life.'

(b) 'Every Estonian citizen is free to determine his own nationality. If he cannot do this personally, the law shall do so.'



Other fundamental laws guarantee members of minorities instruction in their mother-tongues and allow for the possibility of self-government on national-cultural matters.

The committee set up to elaborate the Cultural Autonomy Law worked on certain principles, as follows:

As Estonia was the first State to work out legislation of this kind, and had no precedents to work on, the law had to be provisional and general in character.

All minorities of Estonia must be placed on the same footing, *i.e.* given the same opportunities of cultural development.

Cultural autonomy is considered in law as a branch of 'social self-government'. It must therefore be under the control of the State, like the local self-government institutions.

It must rest not on the territorial, but on the personal basis.

A clear distinction must be drawn between the cultural development of the minority and its political requirements; this is done by exact delimitation of the sphere of competence of the national self-government, and by the power retained by the Government to dissolve the Cultural Council, if it exceeds its powers, and to order new elections.

'Nationality' is not taken as identical with 'race'; it is determined by the full declaration of the individual.

The term 'national minority' means all Estonian citizens whose names are entered on the national register.

The law is then analysed and commented on. The national autonomous institutions possess legal personality, as institutions fulfilling public functions. The Government is a supervisory rather than a superior authority, except in so far as it has the power to dissolve the Cultural Council. The national institutions enjoy, however, complete freedom of action within their own sphere of competence. They are completely free in the choice of their organs and the election of their officials, and are treated like other State institutions in respect of stamp duty, etc.

The autonomous institutions control both the public and the private schools of their members. Their school councils have the same status *vis-à-vis* the Ministry of Education as the local school councils of the local authorities. They have, however, no authority over any schools giving instruction in the minority language but established for the benefit of persons other than members of the minority. They deal not only with schools but with other cultural institutions.

The organs are: the Cultural Council and the Cultural Administration. As the general principle is personal, the Cultural Council represents all members of the minority, wherever domiciled; but its members are elected on a local basis, and subordinate councils may be created to deal with local problems.

Entry on the register is a matter for the free decision of the individual; but to prevent abuses the consent of the autonomous authorities is required if persons who have voluntarily left the organisation wish to re-register.

The State has the right and duty to supervise the activities of the institutions, and is therefore empowered, if necessary, to dissolve the Council and order new elections. The minority may itself close down its own functions.

The remainder of the explanatory statement elucidates the final provisions of the law relating to the system of election.

## APPENDIX III

EXCERPTS FROM THE SWISS CONSTITUTION<sup>1</sup>

*Article 72.* The National Council<sup>2</sup> is composed of deputies of the Swiss people, elected on a basis of one member for each 22,000 of the total population. Fractions above 11,000 are counted as 22,000.

Each Canton and, in the divided Cantons, each half-Canton elects at least one deputy.

*Article 80.* The Council of States<sup>3</sup> is composed of forty-four deputies of Cantons. Each Canton chooses two deputies; in the divided Cantons, each half-Canton elects one.

*Article 95.* The supreme directive and executive authority of the Confederation is exercised by a Federal Council of seven members.

*Article 96.* The members of the Federal Council are elected for four years by the Councils sitting in joint session, and chosen from all Swiss citizens eligible for the National Council. At the same time, not more than one member of the Federal Council may be chosen from any one Canton.

The Council is entirely reconstituted after each reconstitution of the National Council.

The places of the members who resign in the course of the four years are filled for the remainder of their term of office at the first session of the Federal Assembly.

*Article 101.* The members of the Federal Council have a consultative voice<sup>4</sup> in the two chambers of the Federal Assembly, as well as the right to make proposals there concerning the subjects under discussion.

## APPENDIX IV

## NOTE ON THE FINANCIAL PROSPECTS OF PAKISTAN

## 1. Population

'Pakistan' will be taken in this note to include the Provinces of the Punjab, Sind, the North-West Frontier Province and British Baluchistan, without any change in their present boundaries. The populations of these Provinces (1941 Census) are as follows:—

	<i>Total population</i>	<i>Moslems</i>	<i>Percentage of Moslems to total</i>
	<i>Millions</i>	<i>Millions</i>	
Punjab . . . . .	28.42	16.22	57
Sind . . . . .	4.54	3.21	71
N.W.F.P. . . . .	3.04	2.79	91
British Baluchistan . . . . .	.50	.44	88
Total for Pakistan . . . . .	36.50	22.66	62
Total, British India . . . . .	295.83	79.4	27

(Figures for N.W.F. Province are confined to the Districts. The population of the agencies and tribal areas is estimated at 2.98 millions, probably almost entirely Moslem.)

The Pakistan Provinces contain 12.3 per cent. of the total population of British India and 28.6 per cent. of the total Moslem population of British India.

<sup>1</sup> Author's translation from the French text.

<sup>2</sup> The lower chamber of the Federal Legislature.

<sup>3</sup> The upper chamber of the Federal Legislature.

<sup>4</sup> I.e. the right to speak, but not to vote.

Figures showing the distribution of population between towns and other areas are given in the next table. The Census Returns in Table I of each Provincial Volume distinguish between 'rural' and 'urban' by including in the latter category all persons living in municipalities of 'usually' not less than 5,000 inhabitants. For present purposes it seems more useful to follow the example set by the 'Special Committee appointed to investigate certain facts relevant to the economic and financial relations between British India and Indian States', commonly called the 'Fact Finding Committee' (Report, 1932), and to record the population of (a) towns of 10,000 to 20,000, (b) towns of 20,000 to 50,000, and (c) towns of 50,000 inhabitants and over.

	(1) <i>Total popula- tion</i>	(2) <i>Towns of 10,000 to 20,000</i>	(3) <i>Towns of 20,000 to 50,000</i>	(4) <i>Towns of 50,000 and over</i>	(5) <i>Total for towns of 10,000 and over</i>
	(000)	(000)	(000)	(000)	(000)
Total, British India . . . . .	295,827	7,345	7,680	18,039	33,064
Punjab . . . . .	28,419	725	1,071	1,934	3,730
Sind . . . . .	4,535	103	50	651	804
N.W.F.P. . . . .	3,038	103	290	131	524
British Baluchistan . . . . .	502	—	64	—	64
Total for Pakistan . . . . .	36,494	931	1,475	2,716	5,122

It will be seen that Pakistan has no less than 15.5 per cent. of the British Indian total of the population concentrated in towns of 10,000 and over: the corresponding percentage in respect of the groups of towns given in columns (2), (3) and (4) of the statement are (2) 12.6, (3) 17.9 and (4) 15.0. These percentages compare with that which represents the proportion of the total population of British India contained in Pakistan, viz 12.8.

## 2. Industries

Another factor relevant to the comparison of the economic positions of Pakistan and of British India as a whole is the degree of industrialisation in each area. The next table gives the average daily numbers of workers employed by different industries in British India; workers in Government Clothing Factories, Government Dockyards and Government Ordnance Factories and in Government or Company Railway Workshops are shown separately because they are related to Defence and to Railways, which will be considered separately. The figures are for 1939, as given in the *Statistical Abstract for British India from 1930-31 to 1939-40* (Table No. 200).

	<i>Workers in Defence and Railway indus- tries (as above)</i>	<i>Workers in other industries</i>	<i>Total</i>
	(000)	(000)	(000)
Total: British India. . . . .	142	1,609	1,751
Total: Pakistan . . . . .	22	85	107

It will be seen that the workers in 'other industries' in Pakistan represent 5.8 per cent. of those in British India as a whole, whereas the population of the Union is 12.8 per cent. of that of British India as a whole.

## 3. Minerals

Table No. 197 in the same Statistical Abstract yields the following figures for the total value of the chief minerals produced in 1938 (including petroleum):

	<i>Rs. lakhs</i>
British India . . . . .	15,39.02
Pakistan . . . . .	67.17

The chief minerals listed are coal, gold, petroleum, chromite, copper, graphite, iron-ore, magnesite, manganese ore and mica, of which only the first four are produced in Pakistan (gold in negligible quantity). On this production basis, Pakistan's mineral wealth may be put at 4.4 per cent. of that of British India as a whole.

If urban population is an index of prosperity, the above results show that the Union's backwardness in industrial development and mineral wealth is more than counterbalanced by its relative agricultural prosperity coupled with the abnormally heavy share of Defence expenditure, especially in the form of pay and pensions, that before the present war fell to be disbursed in the Punjab.

## 4. Revenue of the Existing Centre

The principal heads of Revenue in the Central Government's accounts for 1938-9 were:

	<i>Rs. (000)</i>
Customs . . . . .	40,50,53
Central Excise-duties . . . . .	8,65,73
Corporation Tax . . . . .	2,03,72
Other taxes on income . . . . .	13,74,44
Salt . . . . .	8,12,04
Opium . . . . .	50,89
Other heads . . . . .	1,03,20
	74,60,58

In addition the Accounts show other sources of revenue which are reduced to nil if set off against corresponding heads of expenditure (irrigation, debt services, civil administration, civil works, etc., miscellaneous, and defence services). There remain (apart from extraordinary items) the following sources of income:

	<i>Rs. (000)</i>
Railways, receipts less expenditure . . . . .	1,37,32
Posts and Telegraphs . . . . .	18,98
Currency and Mint . . . . .	22,42
	1,78,72

## 5. Customs

Pakistan's only ports will be those in Sind—Karachi, and certain insignificant minor ports. The following figures are taken from the Combined Finance and

Revenue Accounts for 1988-9. Land customs are omitted as there were no receipts in Sind under that head.

	Gross receipts import-duties	Refunds and drawbacks	Net receipts import-duties	Gross export-duties	Refunds exports	Net export-duties
British India . . . . .	Rs. lakhs 39,80.13	Rs. lakhs 1,43.51	Rs. lakhs 38,36.62	Rs. lakhs 4,10.06	Rs. lakhs .85	Rs. lakhs 4,09.21
Sind . . . . .	5,50.76	—	—	1.94	—	—
	Gross receipts, miscellaneous	Refunds, miscellaneous	Net receipts, miscellaneous	Total gross receipts	Total refunds	Total net receipts
British India . . . . .	Rs. lakhs 12.68	Rs. lakhs .16	Rs. lakhs 12.52	Rs. lakhs 44,02.87	Rs. lakhs 1,44.52	Rs. lakhs 42,58.35
Sind . . . . .	1.19	—	—	5,53.89	84.92	4,68.97

It may be assumed that the refunds under 'exports' and 'miscellaneous' against Sind were not more in proportion to gross receipts than in British India as a whole, i.e., did not exceed Rs. 4,000 in the case of exports and Rs. 1,000 in the case of miscellaneous. This leaves Rs. 84.87 lakhs of refunds and drawbacks to be assigned to import duties, making the net receipts under that head Rs. 4,05.89 lakhs. This figure is 12 per cent. of the all-India net receipts from import duties (sea and land customs), viz., 38,79.8 lakhs.

(Note. The very high scale of refunds in Sind is due to the fact that Karachi is the main port for transit trade to Eastern Persia, Afghanistan and Kashmir.)

It must be remembered, however, that figures for the ports of Sind may not be representative of consumption within Pakistan, since they serve other areas also. It is therefore desirable that the above result should be checked by the method which was followed in the Report of the 'Fact Finding Committee'. This method involves the classification of dutiable imports between those of universal consumption, those consumed mainly in towns of all sizes and those consumed mainly in large towns, with special treatment of materials for mining and industries. The following table shows the total figures of population in Pakistan and in India as a whole (excluding States which do not contribute to the Customs revenue of British India).

	Total	Total for towns of 10,000 and over	Total for towns of 20,000 and over	Total for towns of 50,000 and over
	(000)	(000)	(000)	(000)
All India, net . . . . .	37,27.42	3,80.07	2,89.30	2,02.40
Pakistan . . . . .	3,64.94	51.22	41.91	27.16
Percentage . . . . .	9.8	13.5	14.5	13.4

On this basis and in accordance with the principles of distribution adopted by the 'Fact Finding Committee', Pakistan's share of the customs revenue may be estimated at 4,45.05 lakhs.

As to *Export-duties*, Karachi is not a port in normal circumstances for the export of jute, and all that need be considered is the comparatively small exports of rice from Sind. The 1988-9 figure for this is Rs. 1.87 lakhs less .04 refunds.

The export cess on agricultural products was not in force in that year, but may be ignored on the assumption that it will be offset by further expenditure on agricultural development, for which purpose the cess was imposed. For *Miscellaneous*, the 1938-9 figure can also be taken: Rs. 1.19 lakhs less .01 refunds.

The total revenue from Customs, on the 1938-9 basis, may thus be estimated at  $4,45.06 + 1.88 + 1.18 = 4,48.06$  lakhs.

#### 6. Central Excise (excluding Salt)

These are collected on kerosene, motor spirit, sugar, matches and steel ingots. There is no steel industry worth speaking of in Pakistan. Sugar and matches are made in Pakistan, but on a scale much below consumption (collection figures 1 and 1½ per cent. of the all-India totals, respectively). For kerosene and motor spirit, on the other hand, the Punjab contains one of India's two sources of supply. There would be no obstacle to Pakistan becoming self-sufficient in the matter of match manufacture, but climatic conditions make this more difficult in the case of sugar. It may be assumed that the gap would be made up by continued imports from other parts of India, notably the United Provinces; and for present purposes it may also be assumed that the import-duty on Indian sugar will be the same as the excise-duty. The yield must be calculated on estimated consumption. Matches were classified by the 'Fact Finding Committee' as articles of universal consumption. The population basis (British India, not All-India, since States take a share of the tax) may, therefore, be taken, and this gives, at 12.8 per cent., a total of 26.82 lakhs for Pakistan. Sugar is classified by the same Committee as intermediate between articles of universal consumption and articles used in towns of 10,000 and over: since many States escape this tax, the British India figures may be taken and 12.5 as the percentage. This gives a yield of 52.98 lakhs.

The taxes on kerosene (universal consumption) and motor spirit (not in the 'Fact Finding Committee' lists, compiled before the separation of Burma) are not escaped by the States generally: thus consumption must be calculated on a basis of the all-India figures, including non-maritime States. This gives 10 per cent. for kerosene; motor spirit can be classified as 'intermediate', and a figure of 12 per cent. adopted. The consumption basis is then as follows:

	Total net revenue	Pakistan's share
	Rs. lakhs	Rs. lakhs
Kerosene . . . . .	67.45	6.74
Motor spirit . . . . .	1,19.87	14.38

The actual net collections in the area of Pakistan were 6.46 lakhs and 27.20 lakhs respectively; it must be assumed that Pakistan (its refineries being in competition with Burma and foreign ones) will not be able to retain the duty on motor spirit exported to the rest of India.

From these calculations Pakistan's share of Central excise-duties in 1938-9 emerges as follows:

	Rs. lakhs
Matches . . . . .	26.82
Sugar . . . . .	52.98
Kerosene . . . . .	6.74
Motor spirit . . . . .	14.38
Total . . . . .	1,00.92

## 7. Salt

Pakistan contains India's main sources of rock salt, in the Punjab and the N.W.F. Province. Receipts consist of (a) sales of Government salt, including dispatch charges, etc., and (b) excise-duty. For the Northern India Salt Revenue Department, as a whole, the receipts under both heads in 1938-9 were 2.38 lakhs, of which 85 lakhs or 36.5 per cent. was collected in the Pakistan area. In a later year, the only one for which particulars are readily available, the receipts under (a) and (b) in the Punjab and the N.W.F. Province were in the proportion of 14.0 : 86.4, and applying this to the figure of 85 lakhs, we obtain the following figures:

(a) Sales of salt	12.4 lakhs
(b) Duty	72.6 lakhs

It may be remarked that item (a) should correspond roughly to the expenditure under manufacture of salt, since the policy is for Government to sell salt at cost price.

Salt is also produced (by solar evaporation) in Sind. The excise system prevails, so that receipts in Sind may be taken as practically equal to the duty. The figure for 1938-9 was 7.7 lakhs, making a total of 80.3 lakhs for duty collected in Pakistan.

This cannot, however, be taken as representative of consumption in Pakistan since there is considerable cross traffic in salt, rock salt out of the Punjab and crystallised salt into the Punjab. The total gross receipts of *duty* in British India were 5,42.3 lakhs and refunds (excluding a small amount assigned to sales of salt in the N.I. Salt Revenue Department) amounted to 28.3 lakhs, giving a net total of 5,14 lakhs. To work on the population basis it must be remembered that some States suffer the duty, while others are able to escape it: the arrangements are very various and complicated, and to save unduly laborious investigation it will be assumed that half the States' population escapes the duty. This gives a total population of 342.31 million (295.83 million, British India; 46.48 million, half of the total for Indian States). The population of Pakistan is 36.55 million, to which (on the basis most favourable to Pakistan) must be added 6.20 millions on account of Khairpur and the Punjab States, or a total of 42.75 millions. This gives Pakistan 12.5 per cent. of the duty-paying population of India. On the population basis, therefore, Pakistan may be credited with 12.5 per cent. of the revenue from salt duty or 64.25 lakhs; 12.4 lakhs may be added for 'sale of salt'.

## 8. Taxes on Income

Sir Otto Niemeyer in his Indian Financial Enquiry Report (1936) assigned to the Pakistan Provinces the following percentages of the all-India yield of Taxes on Income: Punjab 8, N.W.F. Province 1, Sind 2—a total of 11.

Sir Otto was dealing with the distribution of the proceeds of a tax collected on an all-India basis. It seems probable that with a separate tax system, accompanied as it would doubtless be by double taxation relief, origin and residence would both be factors which would affect the final total, and the factor of population would have some bearing on the 'origin' figures; e.g., in the case of nationwide businesses having their headquarters in Bombay or Calcutta. This last is a most important point and its existence goes far to explain the fact that the collections of Income tax and Super-tax in the Pakistan area amounted to 0.8 per cent. of the total collections in 1939-40.

The collections in British Baluchistan were only 1.15 per cent. of those in the three Pakistan Provinces: so 11.1 per cent. of the all-India total may be taken as representing the share of Pakistan. The total for 1938-9 under Taxes on Income (before assignment to Provinces of their shares) was 15,24.4 lakhs; and

11.1 per cent. of this amounts to 1,69.1 lakhs. The assignments to Punjab, Sind and N.W.F. Province were 12, 3 and 1.5 lakhs respectively. Assuming that the Pakistan Government will continue these assignments, we get a net total, on the 1938-9 basis, of 1,52.6 lakhs. It is, however, important to note that the Provinces are entitled under the Niemeyer Award to expect that within a comparatively few years these assignments will be raised by stages until they reach the level of 50 per cent. of revenue less cost of collection (1,69.1 minus 9.2—see paragraph 15 below)—raised, that is, from 16.5 lakhs to 80 lakhs. If Provinces in the rest of India secure this benefit, it will be very difficult for the Pakistan Government to withhold it. The Pakistan Provinces will be able to produce Sir Otto Niemeyer as a witness for the need of such an expansion of their revenues if they are to enjoy their legitimate development. How soon the Centre in the rest of India would be able to carry out this programme after its finances had been dislocated by a great war is uncertain; but for immediate purposes it seems to be necessary to take a halfway point and allow for the increase of the assignments to 48 lakhs. This reduces the net total (not deducting cost of collection) to 1,21.1 lakhs.

#### 9. Corporation Tax

The collections of this tax in the Pakistan area were, in 1939-40, 7.76 lakhs out of a total of 2,65.99 lakhs, or less than 3 per cent. To some extent, this low figure is explicable by reference to the relative backwardness of the area in industries; but this is a field in which the above-mentioned factor of nation-wide businesses with their headquarters in Bombay and Calcutta applies with particular force: and an intermediate figure between 3 per cent. and the percentage adopted for taxes on income, say 7½ per cent., may fairly be taken. The revenue under this head in 1938-9 was 2,03.72 lakhs, of which 7½ per cent. is 15.28 lakhs.

#### 10. Opium

The Central revenue receipts represent sales by the Centre to Provincial Governments at cost price. Revenue from sales to the public falls under 'Excise' in Provinces and in Centrally-administered areas. None of the Central revenue under 'Opium' would fall to Pakistan, as the production is in the United Provinces or Rajputana States. On the contrary, there would be a danger that Provincial revenues in Pakistan might suffer if the rest of India should decide to charge more than cost price. The excise revenue of the three Pakistan Provinces from opium was 41.47 lakhs, and the cost price paid by them was 8.20 lakhs. The net revenue of 33 lakhs would be reduced if opium were supplied at more than cost price, which is much below the world market price, so that relief would not be obtained by turning to foreign sources of supply. The Punjab has a past record of opium cultivation, but on a relatively small scale, and it is very doubtful whether this could be expanded enough to cover consumption.

#### 11. Other Heads

Of the total of 1,03.20 lakhs shown above, 22.80 is genuinely Central under the head 'Stamps', the remainder represents revenue in Central administrations under Provincial revenue heads: of this remainder (80.90) the share of Baluchistan was 16.08 lakhs. Thus 12½ per cent. of the Central stamp duty and the whole of Baluchistan's Provincial revenue may be assigned to Pakistan—a total of 18.87 lakhs.

#### 12. Total Revenue of Pakistan Centre

The figures under 'Principal Heads' for the Pakistan Centre thus work out on the 1938-9 basis as follows:



	Rs. (000)
Customs . . . . .	4,48,06
Central excises . . . . .	1,00,92
Corporation tax . . . . .	15,28
Other taxes on income . . . . .	1,21,10
Salt . . . . .	76,65
Other heads . . . . .	18,87
Total . . . . .	7,80,88

### 13. Other Sources of Net Revenue

Of the three items mentioned in paragraph 4 above, Railways will be dealt with separately. Even if Pakistan had not its own mint, it would normally enjoy its share of the profits under 'currency and mint', reduced by a very small amount for seigniorage. The total is not large enough to warrant the making of detailed calculations, and 12½ per cent. of the Indian total, i.e., 2'8 lakhs, may be assigned to Pakistan. Similarly, 12½ per cent. of the net income from 'posts and telegraphs' or 2'87 lakhs may be assigned to Pakistan. The total revenue, therefore, omitting Railways, amounts to

	Rs. (000)
Principal Heads . . . . .	7,80,88
Currency and Mint . . . . .	2,80
Posts and Telegraphs . . . . .	2,37
Total . . . . .	7,86,05

It is proposed to set off against 'Debt Services' Pakistan's share of the Extraordinary Receipts of about Rs. 3 crores from Burma, made up of 2,25 lakhs Debt Service and 75 lakhs contribution towards pensions. The other extraordinary item (transfer from Revenue Reserve) is ignored, as that reserve is exhausted.

### 14. Expenditure of the Existing Centre

It was observed in paragraph 4 above that a number of receipt heads other than 'Principal Heads of Revenue' carried countervailing expenditure. In the following statement the three heads mentioned in that paragraph have been omitted (railways, posts and telegraphs, currency and mint) and net figures (expenditure less receipts) have been shown for other heads under 'Ordinary Revenue'.

	1938-9 British India
	Rs. (000)
Direct Demands on the Revenue . . . . .	4,23 50
Irrigation . . . . .	9,24
Debt Services (less interest receipts) . . . . .	13,38,54
Civil Administration . . . . .	9,84,69
Civil Works . . . . .	2,19,49
Miscellaneous . . . . .	2,04,32
Defence Expenditure . . . . .	46,18,00
Contributions and adjustments . . . . .	3,06,33
	81,04,11

## 15. Direct Demands on the Revenue

This comprises cost of collection together with assignments and compensations. Details are

	Assignments, etc.	Other charges	Total
	Rs. (000)	Rs. (000)	Rs. (000)
Customs . . . . .	41,37	78,18	1,19,55
Central excises . . . . .	34,12	11,65	45,77
Corporation tax . . . . .	—	8,93	8,93
Other taxes on income . . . . .	—	66,82	66,82
Salt . . . . .	38,02	64,93	1,03,85
Opium . . . . .	1,19	24,37	25,56
Land-revenue . . . . .	43	4,48	4,91
Provincial excise . . . . .	2,03	4,18	6,21
Stamps . . . . .	—	16,81	16,81
Forests . . . . .	—	22,65	22,65
Registration . . . . .	—	10	10
Motor Vehicles Act . . . . .	2,10	23	2,33
	1,20,16	3,03,33	4,23,49

Assignments and compensations may be said, broadly speaking, to represent payments out of revenue to various States in consideration of the fact that their inhabitants are subject to indirect taxes collected by the Central Government. As the revenue yield under customs, Central excises and salt has been calculated on the consumption basis, such payments out of revenue are left out of account. For reasons already given, the whole of the opium head is left out of account. We are thus left with the following figures: assignments, etc., 4.56 lakhs; other charges 803.88 lakhs.

Expenditure on account of collection, unlike revenue receipts, can in most cases be assigned according to the place of incidence, apart from charges of Central supervision. On this basis the costs of collection of revenue of Pakistan may be calculated as follows.

(a) *Customs*. Pakistan Provinces 8.81; India General 2.78. The latter item is made up chiefly of charges paid to the post-office for the collection of duty and leave salaries, etc., paid in England. The postal charges will be divided on the import revenue basis (10.4 per cent.): the Home charges in accordance with Pakistan's share of expenditure on 'pay of officers' (9.8 per cent.). The resulting total is  $8.81 + 2.78 = 11.59$ . (b) *Central excises*. As the collection is chiefly done by another Department, which is paid a lump sum, Pakistan may be assigned a share corresponding to its share of the revenue (11.7 per cent.). This gives a figure of 1.86 lakhs. (c) *Corporation tax*. Pakistan Provinces .22 lakh. (d) *Other taxes on income*. Pakistan Provinces 9.40 lakhs; India General 1.56. (N.B. Punjab figures include Delhi, and Sind and Baluchistan figures are included in Bombay, as a result of administration arrangements; as revenue in Delhi exceeded revenue in Sind and Baluchistan by Rs. 5,000 only, which is 7 per cent. of the Punjab revenue figure, the amount assignable to Pakistan may be put at 9 lakhs. This is 18.5 per cent. of the total for British India; if this percentage is applied to India General, the following final result emerges— $9.00 + .21 = 9.21$ .) (e) *Salt*. Sind 1.51 lakhs, Northern India Salt Revenue Department (excluding royalties and compensations) 27.25. India General .24. The N.I. Salt Revenue total is divisible according to receipts as follows: Pakistan, 86.6 per cent.; the rest 68.4 per cent. The application of this percentage to expenditure gives 9.97 lakhs as the Punjab plus N.W.F. Province share of expenditure. With Sind, this gives a total of 11.48 lakhs. This is 17.5 per cent. of the all-India total; so Pakistan's share of 'India General' is Rs. 40,000. Final total, 11.52 lakhs. (h) *Land-revenue and other Provincial Heads*. Expenditure in Baluchistan is shown separately in the

'Combined Finance and Revenue Accounts': the total under these heads is 5.30 lakhs.

The above figures all relate to the existing administrative structure of India. Provision must also be made for a land customs line between Pakistan and the rest of India, in continuation of the line between Sind and Cutch, which is already in existence but which was not in existence in 1938-9. It may be taken that the cost of such a line will be comparable, according to the nature of the country, with the cost of the existing lines within geographical India. These are

<i>Frontier</i>	<i>Approximate mileage</i>	<i>Cost</i>	<i>Cost per mile</i>
		<i>Rs. (000)</i>	<i>Rs. (000)</i>
Gon . . . . .	187	2.88	1,600
Pondicherry and Karikal . . . . .	120	1.22	1,000
Sind-Cutch . . . . .	250	1.64	650

It may be assumed that open parts of the frontier with good railway communications will be comparable with the first two, say 1,300 rupees a mile; desert frontiers with the third, 650 rupees. The total length of the frontier between Pakistan and India (including Cutch) will be approximately 1,680 miles (after allowing for the straightening out of various sections of the line by leaving outside the line irregularly bounded areas which would have special treatment as 'frontier zones'). Of this the following stretches can be treated as desert frontiers: between Sind and Cutch-Rajputana-Khairpur-Rajputana-Bahawalpur (excluding 60 miles where the Khairpur frontier runs along the Indus river), 580 miles; between the Punjab and Rajputana, as far as Alwar State, 250 miles; between the Punjab and Simla Hill States (leaving Simla and Kulu as 'frontier zones'), 170 miles. Total 'desert', 1,000 miles. The open frontiers are the stretch of river boundary between Sind and Khairpur, 60 miles; the boundary between Bahawalpur and the Punjab, 300; that between Gurgaon district and Rajputana, 80 miles; between the Punjab and the United Provinces, 170 miles; and between the Punjab and Delhi Province, 70 miles. Total 'open', 680 miles. Cost of Customs line: 'desert' 6.5 lakhs, 'open' 8.8 lakhs; total 15.3 lakhs.

If Khairpur and Bahawalpur are in a customs union with Pakistan, the frontier of 250 miles 'desert' and 60 miles 'open' between Sind and Khairpur will be replaced by one of 100 miles 'desert'; and the 300 miles 'open' frontier between the Punjab and Bahawalpur will be replaced by 380 miles 'desert' frontier between that State and Rajputana. This will reduce the cost of administration by 1.75 lakhs (Khairpur) plus 1.75 lakhs (Bahawalpur): total 3.5 lakhs.

If the frontier were shortened to exclude the cis-Sutlej area, the saving would be 380 miles 'desert' and 140 miles 'open', representing a total of 3.06 lakhs.

As these arrangements cannot be presumed, the new land customs expenditure must be estimated at 15.3 lakhs.

The combined figures for Pakistan's 'direct demands' on the revenue may now be set down.

	<i>Rs. (000)</i>
Customs (old) . . . . .	8.58
Customs (new) . . . . .	15.30
Central excises . . . . .	1.36
Corporation tax . . . . .	.22
Other taxes on income . . . . .	9.21
Salt . . . . .	11.52
Land-revenue, etc. . . . .	5.30
	<hr/> 51.49

## 16. Irrigation

The figures in the Combined Finance and Revenue Accounts, Statement No. 2, are as follows :

	<i>Pakistan (Sind and Baluchistan)</i>	<i>Residual India</i>	<i>Total</i>
	<i>Rs. (000)</i>	<i>Rs. (000)</i>	<i>Rs. (000)</i>
Net receipts . . . . .	1,00	—13	87
Expenditure—			
Revenue . . . . .	7,71	2,09	9,80
Capital expenditure out of revenue . . . . .	31	—	31
Excess of expenditure over net receipts . . . . .	7,02	2,22	9,24

The principal expenditure is connected with the Sukkur Barrage, largely interest.

## 17. Civil Administration

The totals of Central expenditure and receipts are distributed geographically as follows :

	<i>India General</i>	<i>Baluch- istan</i>	<i>Punjab</i>	<i>N.W.F. Province</i>	<i>Sind</i>	<i>Rest of India</i>	<i>Total</i>
	<i>Rs. (000)</i>	<i>Rs. (000)</i>	<i>Rs. (000)</i>	<i>Rs. (000)</i>	<i>Rs. (000)</i>	<i>Rs. (000)</i>	<i>Rs. (000)</i>
Expenditure . . . . .	5,57,02	61,51	29,37	1,59,10	7,29	2,75,42	10,89,71
Receipts . . . . .	51,90	2,07	85	3	1,48	48,69	1,05,02
Excess of expenditure over receipts . . . . .	5,05,12	59,44	28,52	1,59,07	5,81	2,26,73	9,84,69

The high scale of expenditure in Baluchistan and the N.W.F.P. is partly due to large payments under the head 'Tribal Areas' (26.97 lakhs and 152.35 lakhs respectively). The balance of Baluchistan payments mainly covers items which in the Pakistan Provinces are borne by Provincial revenues. For present purposes 'Tribal Areas' may be considered along with 'Defence', as also 'Ecclesiastical' (4.40 lakhs incurred in the Pakistan Provinces). The total net expenditure incurred under 'Civil Administration' in Pakistan territory, on this basis, is 69.08 lakhs.

## 18. General

The Pakistan Government will also have to incur on its own behalf certain expenditure corresponding to the entries under 'India General'. Concisely, this may be classified as follows, net figures less receipts :

	<i>Rs. (000)</i>
(1) General Administration . . . . .	1,71,72
(2) Audit . . . . .	35,84
(3) Justice . . . . .	6,61
(4) Jails and Convict settlements . . . . .	20,13
(5) Ecclesiastical . . . . .	10,64
(6) Payments to Crown Representative (Indian States) . . . . .	41,58
(7) External Affairs . . . . .	53,07
(8) Other Departments (including Agricultural Research and Aviation) . . . . .	1,65,53
	5,05,12

Item (2) may follow the proportion that Pakistan's share of other items bears to the Indian total of such other items. Item (3) is omitted, as it relates partly to Chief Commissioners' Provinces (Delhi) and partly to the Federal Court. Item (4) may also be omitted in the expectation that Pakistan will make its own arrangements by adaptation of local facilities. Item (5) rightly belongs to Defence and may be omitted here. Item (6) : as most of the Indian States with which Pakistan would be specially concerned are relatively unimportant, this item is omitted. Item (7) : prospects in this field cannot be predicted : but, since some 30 lakhs of the expenditure may be taken to be connected with countries to the West of Pakistan, it is hard to see how it can escape at least half of this liability.

The main heads contributing to item (1) are, omitting 'district administration' (in Chief Commissioners' Provinces) :

	<i>Rs. (000)</i>
A. Governor-General . . . . .	31,85
B. Legislative Bodies . . . . .	11,49
C. Secretariat and Headquarters (estimates) . . . . .	82,63
H(A). Secretary of State . . . . .	14,91
H(B). High Commissioner . . . . .	26,46

Item H(A) will be left out of account : and it will be assumed that Pakistan would not maintain a Stores Department in England ; the Stores Department was responsible for 17,87 out of the above total under H(B). Perhaps Pakistan would be content with a Trade Representative in England, and perhaps its share of H(B) could be reduced to one lakh. What to allow for A, B and C is problematical. Conceding possibilities of adjustment with Provincial Governments, to avoid overlapping, which will arise in a small federation, we may perhaps assign to heads A, B and C expenditure in Pakistan not exceeding that now borne under the same heads by the Provincial Government of the Punjab, i.e., 83 lakhs. Capital expenditure for new buildings, etc., will have to be met from loans, so the cost can be expressed in terms of "an addition to debt service. No entry has, however, been made on that account in the calculations relating to debt service, for the reason that the expenditure in question would involve a comparatively small addition to the general debt, the dimensions of which are largely a matter of guesswork.

The Pakistan Secretariat so provided for would carry the headquarters functions under the Departments grouped in item (8) above ; but it is very difficult to pick these out, and it seems permissible to resort to the crude device of assigning to Pakistan a share of expenditure on the population basis, 12.3 per cent. This gives a figure of 20,80.

The following figures under 'Civil Administration', excluding Audit, emerge :

	<i>Rs. (000)</i>
Pakistan territories :	
Civil Administration . . . . .	69,05
'India General' :	
General Administration . . . . .	33,00
(High Commissioner) . . . . .	1,00
External Affairs . . . . .	15,00
Other Departments . . . . .	20,66
	<hr/> 1,38,39

This is approximately 20 per cent. of the India total under Civil Administration net, less 'Tribal Areas' and 'Ecclesiastical' and less Audit, (*vis.*, 6,86,80). Add 20 per cent. of 85,84 for Audit, or 7,17, and the final total for Pakistan is 1,45,56.

#### 19. Civil Works

Of the large item of expenditure no less than 1,56 lakhs represented a block grant for transfer to the Central Road Fund. Pakistan would look after its own roads, and this item may be omitted.

Central expenditure under this head incurred in Baluchistan and the Pakistan Provinces totalled 10,83. This figure may be adopted.

#### 20. Miscellaneous

The main items on the receipt side are 'Receipts from Indian States' (80,47), of which only 56 were collected in the Pakistan area, and sub-head 'Miscellaneous' (66,60)—the figures for which under 'India General' cannot readily be apportioned geographically, but against which there was an expenditure entry of 27,84. The net amount received under sub-head 'Miscellaneous' collected in Pakistan territories was 6,80; and this figure may be taken. The main items on the expenditure side are 'Superannuation Allowances and Pensions' and 'Stationery and Printing'.

#### 21. Superannuation Allowances and Pensions<sup>1</sup>

It is to be expected that the method of settlement finally chosen in the case of Burma would be adopted, *i.e.*, this liability would take the form 'of a series of annual payments which will diminish gradually to zero over a period of 20 years.' For present purposes it may be assumed that the gradually dwindling payments on this account *plus* the gradually growing payments that would fall on the Pakistan Government in respect of new pensioners from the corresponding services would be equal to annual expenditure out of revenue on the existing plan, so far as that can be assigned to Pakistan. The task of determining Pakistan's share would be very complicated, and at this stage a very rough estimate must suffice. The place of disbursement of Central pensions in India is not directly relevant, as the liability for pensions must fall on the regions in which they were earned, which may well be very different from those in which they are drawn: moreover, 80 per cent. of the total was brought to account under the head 'India Central'.

The pensions paid to members of the all-India Services and debitable to Provinces are paid by these Provinces, as well as the pensions due to officers from the Provincial Services. Thus provision need be made in Pakistan Central finances only for (1) pensions debitable to Baluchistan, and (2) Pakistan's share of pensions related to Central expenditure. In 1938-9, the cost of 'General Administration' actually incurred in Baluchistan was 11,03: in the same year, the combined cost of 'General Administration' in the three Pakistan Provinces (excluding 'Heads of Provinces' and 'Legislative Bodies') was 1,41,42: Baluchistan's figure is about 8 per cent. of this. If this percentage is applied to the total Provincial expenditure of the three Pakistan Provinces under this head (*vis.* 1,05,98 net), the result for the Baluchistan administration is 8,48. Pakistan's share of Central pensionary liability already incurred may be taken at the same level as its share of Central debt. As will be shown below, this comes to about 10.6 per cent., from which must be excluded the Baluchistan figure of 8,48 calculated above, leaving 2,65,00; and 10.6 per cent. of this is 27,82. Under this sub-head, therefore, the total is 96,80.

<sup>1</sup> This head does not include military pensions.

<sup>2</sup> Sir James Grigg's Budget Speech for 1937-8, *Legislative Assembly Reports*, February, 27, 1937, p. 1161.

There remains under 'Miscellaneous' the item 'Stationery and Printing', net 80,00. As most of this is brought to account under 'India General' an arbitrary assignment must be made for Pakistan. Taking the population percentage, the figure will be 8,69.

Total for 'Miscellaneous':  $56-6,30+86,80+3,69=83,13$ .

## 22. Contributions and Adjustments

The main item is 8,04,72, being 'grants-in-aid' to Provincial Governments. Of this total, Sind and the N.W.F. Provinces received 1,05,00 and 1,00,00 respectively. Though in the long run Sind's agricultural development might well reduce, if not entirely remove, its claim for help from the Pakistan Government, this claim would be an immediate liability; and the N.W.F. Province will always require subvention. Under this head, therefore, a total of 2,05,00 may be adopted.

## 23. Railways

The railways in Pakistan territory (nine-tenths, North-Western Railway) worked in 1938-9 at a net profit of 1,28 lakhs on the commercial lines and a net loss of 1,82 lakhs on the strategic lines. The latter have been considered in connexion with Defence in Chapter VIII. Without them, these railways were working at such a profit as to represent a substantial source of strength to the potential finances of Pakistan. The enhancement of passenger freights in the Central budget for 1942-3 may properly be maintained, as of permanent effect, bringing up the profit on commercial lines in Pakistan to 1,50 lakhs.

## 24. Debt Services

Productive debt may be left out of account on the general assumption that it produces revenue sufficient, or more than sufficient, to cover the cost of the debt service. The questions to be asked are: (i) What will be the non-productive debt of India after the war? (ii) What would be Pakistan's share of this?

The answer to the first of those questions must clearly be highly conjectural. The Finance and Revenue Accounts for 1938-9 show that interest on debt amounted to (a) recovered through commercial accounts (roughly coinciding with productive debt), 84.62 crores; (b) other interest, less recoveries, 10.88 crores. This suggests that we can place the non-productive debt at that time at 1038/4500 of the total debt. That (rupee and sterling) stood on March 31, 1939, at 1179.06 crores, of which, on the above footing, just under 270 crores would be non-productive.

India has hitherto been in a uniquely favourable position in this war, and has been able to repatriate all its sterling debt without (on paper) increasing its rupee debt by an equal amount. This has been rendered possible only by the heavy spending of the British Government in India during a period when the war was far from India's borders. With the enemy now standing at the gate, measures for the local defence of India have been intensively accelerated. This will create much larger deficits henceforward, and it would be erring on the side of optimism to put India's non-productive debt at less than 500 crores after the war.

The question of Pakistan's share in this liability is a difficult one. The Government of India's plan, in the case of Burma, was to work on the seceding territory's share of the combined Provincial and Central revenues: this method would put Pakistan's share at 10% per cent. The Amery Tribunal, for reasons given in their Report, did not accept this plan, and worked (in the first instance) on a computation of direct revenue contributions based on receipts from Customs, Salt, Tributes and Income Tax, to which Central Excises should now be added. This gave a percentage of 8, which was in later paragraphs adjusted for various

reasons to 7½. This method is much less satisfactory with India, where (as already explained) revenue receipts are much less easy to identify with taxation incidence than in the case of a geographically separated Province such as Burma was. For what it is worth, and acting on the estimates of incidence of taxation already put forward in this note, it yields the following result.

	<i>All-India</i>	<i>Pakistan</i>
	<i>Rs. (000)</i>	<i>Rs. (000)</i>
Customs . . . . .	40,50,53	4,46,64
Central excises . . . . .	8,65,73	1,00,92
Taxes on income (including Corporation tax)	15,78,16	1,67,88
Salt . . . . .	8,12,04	77,65
Tributes . . . . .	60,47	56
	73,66,93	7,93,65

This gives Pakistan a share of 10·7 per cent. This is curiously near to the figure reached by the Government of India's method. Giving Pakistan the benefit of the doubt, its share of liabilities might be assessed at 10·5 per cent.

Assuming 8 per cent. as the rate of interest, *i.e.*, 4·078 per cent. including provision for repayment in forty-five years (the period adopted in the case of Burma) debt service on the whole sum of 500 crores would amount to 20·89 crores per annum. Although Burma is unlikely to be able to resume payment soon, if ever, it may be supposed that its liabilities to India remain an asset, even if not realisable for years to come, and on that account the sum of 2,25 lakhs may be deducted from the 8 crores from Burma mentioned in paragraph 13 above. The payment from Burma also included 75 lakhs on account of pensions. This is a dwindling figure starting at about 80 lakhs in 1937-8 and expected to disappear entirely in 20 years; the 2½ crores annuity, on the other hand, accrues for 45 years from the date of separation. In assessing the potential financial position of Pakistan on separation it may be correct, perhaps, to credit it with its share of one-half of the annual payment for pensions, *i.e.*, of 40 lakhs. The annual amount representing India's unproductive debt is thus reduced by 2,65 lakhs to 17·74 crores. Pakistan's share of this at 10·5 per cent. would be 1·86 crores.

## APPENDIX V

### ABSORPTION OF SMALL STATES

#### *Communiqué*

His Excellency the Crown Representative has for a long period had under intensive review the perplexing political and administrative problems which arise from the existence in Western India and Gujorat of literally hundreds of small units which, though they are usually referred to as 'semi-jurisdictional' or 'non-jurisdictional' estates or talukas, do actually fall within the category of 'Indian States'. Owing to the slenderness of their individual resources and general aversion from neighbourly co-operation there has arisen in this part of India geographical, administrative and economic fragmentation on a scale unknown anywhere else in the country. In the great majority of these units the revenues, which often have to be divided among numerous shareholders, barely suffice to meet the private needs of the talukdars and shareholders, and the amenities provided for their subjects under the supervision of the local Political authorities are therefore sadly circumscribed. In short, the Crown Representa-



tive's survey has fully established that without some drastic simplification of existing arrangements any kind of co-ordinated development of the countryside or any form of real progress is impossible.\*

The problem assumed prominence in 1933 in connexion with the Federal discussions which culminated in the Government of India Act of 1935, but it was eventually decided to be impracticable to form the areas concerned into a local confederacy for purposes not only of remedying their administrative deficiencies but also of facilitating their inclusion in any federal arrangements applicable to India as a whole. Meanwhile, however, the Government of His Highness the Maharaja Gaekwar of Baroda (to whom many of these small units are tributary) had brought forward proposals for bringing those tributaries into closer relations with the Baroda State. These proposals involved *inter alia* the discontinuance of tributary payments and the general assumption, subject to certain safeguards, by Baroda of the functions and responsibilities at present discharged by the Residents and Political Agents.

A fresh approach to the problem has since been made on the lines of these proposals and on a wider basis with a view to afford to other larger States an opportunity to assume similar responsibilities in respect of such units as have similar geographical, economic and political affinities with them. As a result of exhaustive local enquiries into the desirability and practicability of such a solution by way of attachment of small units to larger States, the Crown Representative, acting with the concurrence of the Secretary of State, has decided to adopt it and has finally approved details of the scheme by which it is to be carried into effect. The States to which such responsibilities are to be transferred have been apprised of these details, as have also the units to be attached which collectively cover an area of over 7,000 sq. miles with a population of over 800,000 and an annual revenue of more than 70 lakhs of rupees.

In order that the scheme may be carried into effect with the least possible delay Lt.-Col. G. B. Williams of the Indian Political Service has been placed on special duty in the area concerned. Full details of the scheme having been communicated by him to all concerned, it is sufficient for the purposes of this general announcement to state that it contains the provision for the continued integrity of the 'attached' units and of the existing powers and privileges of their talukdars and shareholders in so far as may be compatible with modern requirements, and subject to further review after a period of seven years, as also for the allocation of a suitable proportion of the revenue for their personal requirements. The States to which these small units are to be attached will also be required to admit the inhabitants of attached areas to the benefits of administrative amenities such as secondary and technical education and medical treatment, on the same terms as their own subjects, and to provide new hospitals, schools, roads and other amenities where these, though clearly required, are beyond the present capacity of local resources.

The Crown Representative is conscious that the action to which he is now committed may meet with criticism on the ground that it is calculated to infringe the rights and lower the status of many ancient families, or alternatively that the Paramount Power should itself have assumed direct responsibility for such reforms as may be necessary. He has examined the problems from both these points of view and with all due regard to pledges and obligations for the maintenance and support of Indian States, however small and weak. As stated above, provision has been made to implement such obligations in so far as they are compatible with the overriding principle that autocratic powers shall not be abused and that nothing which is not inherently capable of survival should be artificially perpetuated. The ultimate test of fitness for the survival of any State is, in his opinion, capacity to secure the welfare of its subjects, and he regards the forthcoming qualified merger of these small States as a justifiable

solution of any conflict in his obligations towards Rulers and ruled. Experience has shown that the units with which he is now concerned, not only when unaided but even when grouped together as 'thanas' or under close supervision of Political Agents, are unable to achieve the conditions of administrative efficiency which alone can justify in them the perpetuation of any form of hereditary rule. On the other hand, it has been signally demonstrated that in great and wealthy States such as the one now principally concerned, and even in considerably smaller States under beneficent and enlightened Rulers, the requisite efficiency can be abundantly achieved.

The assumption of direct responsibility for the necessary reforms by the Paramount Power is regarded by the Crown Representative as impracticable because geographical and other factors preclude the absorption of these areas in British India and because the Political Department is not an administrative organisation or equipped with the machinery and resources of finance and personnel which can only be afforded by the administrative control of large territories. Moreover the areas concerned are so scattered and fragmented as to make it impossible to bring them under unified control. These difficulties and deficiencies can, in the Crown Representative's opinion, only be overcome by the course on which he has decided, which involves delegation of the responsibility to those who are in the best position to discharge it, namely the bigger States of Western India and Gujarat. In framing the terms of that delegation he has been fully mindful of the interests of the inhabitants of those small States, of those to whom they owe immediate allegiance and of the larger States with which a new relationship is to be established. To all these parties the Crown Representative admits a continuing responsibility which does not exclude his future intervention, as circumstances may demand, in furtherance of the essential object which he has in view, namely the firm establishment of conditions in which the areas concerned will secure and enjoy full opportunity for progress and development.

*Political Department*

*New Delhi*

*The 16th April, 1949.*

(Sd.) R. MAYNARD .

*Assistant Secretary*

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